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Theodore Draper on Podhoretz's Vietnam Problem

Max Lerner on Russia • Kauffmann on 'Missing' • John Simon on Kafka

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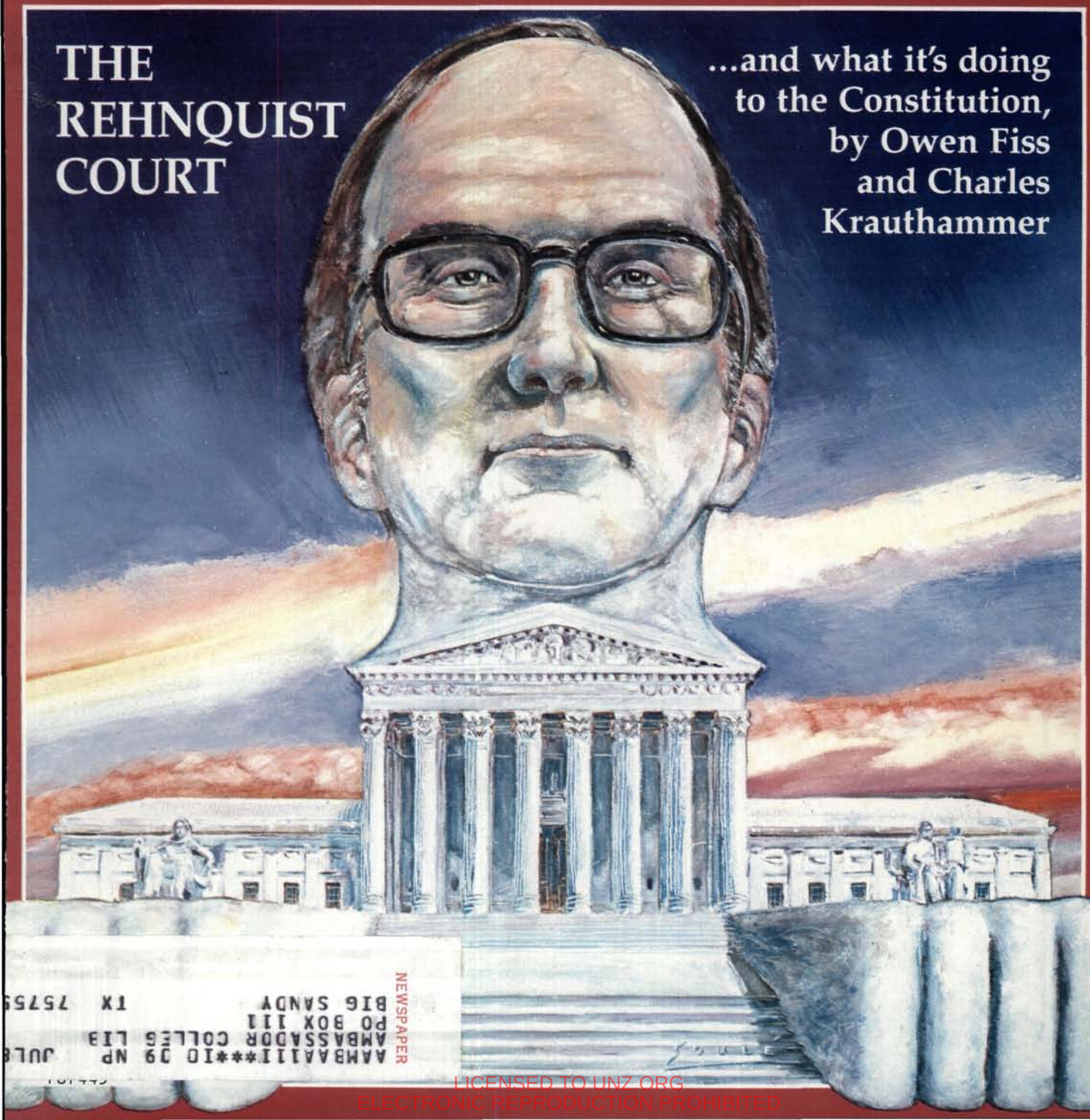

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...and what it's doing to the Constitution, by Owen Fiss and Charles Krauthammer

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CORRESPONDENCE

WHOSE WEST BANK?

To the editors:

In your editorial, "A Modest Mideast Shuttle" (TNR, February 3), you favored making it clear to Mr. Begin "that the U.S. will not underwrite any further gratuitous and unilateral changes in the political status of lands long recognized as belonging to other states." If you are including the West Bank among "lands long recognized as belonging to other states," you may need reminding that, although Jordan seized and annexed the West Bank in 1948, only two governments, Great Britain and Pakistan, recognized the annexation de jure.

Even if you are referring primarily to the Golan Heights, how many more years (it has been eight so far) would you want Israel to wait for Syria to be even willing to negotiate before Israel takes such steps as applying Israeli law to birth registration and similar civil matters in the Golan area? Would you favor twenty years? Fifty years?

William Gerber
Washington, D.C.

The editors reply:

The juridical status of the West Bank is, as our correspondent suggests, altogether ambiguous.

BEDTIME FOR POLAND

To the editors:

Abraham Brumberg's "Let Poland Be Hollywood" (TNR, February 17) was right on target, but there's even more to say. Sending out a show like "Bedtime for Poland" says more about Americans than Poles, especially since the tastes I've encountered there are considerably hipper than Old Blue Eyes and Citizen Kane. The image was entirely President Reagan's, whose tinsel background is indeed a serious handicap and not simply a previous job.

Jerome Klinkowitz
Cedar Falls, Iowa

TEARS FOR FDR

To the editors:

Regarding your issue, "FDR at 100" (TNR, January 27): it was enough to start tears, and they ran. Tears for the passing of American greatness, in men and women placed in leadership. For the poverty of vision in most Presidents and legislators since FDR, particularly in current and recent Administrations. Tears for the implication of Henry Wallace's slogan, though I don't think he meant it this way, that we live in "the century of the common man," who comes to power with a trust in polls, computers, public relations, images, and constituents—and no sense of the vision, the human instincts, and the great risks that make memorable men.

Jack Hughes
Pueblo, Colorado

DEFENDING THE REFORMS

To the editors:

Lanny Davis has written a thoughtful account of actions recently taken by the Democratic National Committee's Commission on Presidential Nomination ("Reforming the Reforms," TNR, February 17). His emphasis on the "unintended consequences" that these quadrennial rules-writing efforts have sometimes produced is a useful one. But it is also important to look at the *intended* consequences of the proposed rules changes. Only then will one have an adequate basis for analysis and assessment.

The Hunt Commission conducted its work at a time of widespread concern for the organizational, financial, and philosophical renewal of the Democratic Party. The commissioners embraced the procedural reforms and broadened participation stressed by previous rules commissions; they provided for an equal division of delegate seats between men and women, and strengthened affirmative action in several particulars. But the problem, as they and most of the witnesses defined it, had more to do with bringing the party back.

This party-building theme was rooted not only in the electoral debacle of 1980 but also in the policy-making frustrations of the Carter Administration. "We want to win again," Hunt often said. "And, having won, we want to govern effectively."

The major actions taken by the Commission share a party-building intent: (1) Some 850 delegate slots (two-thirds of them unpledged) will be reserved for party leaders and elected officials. The House and Senate caucuses will name up to two-thirds of their members, and the balance will be chosen by the state parties, giving priority to governors and big-city mayors. (2) The primary and caucus season will be shortened by five weeks. Events will be limited to an early March-early June "window" period, with limited exemptions being granted for New Hampshire and Iowa. (3) The 1980 rule which bound delegates to vote for their pledged preference on the first ballot and permitted candidates to remove unfaithful delegates from the floor has been replaced with language giving delegates flexibility to respond to changing circumstances. (4) States have been given more options for allocating delegate positions to candidates under "fair reflection" guidelines. These options include, as Davis stressed, the direct election of individual delegates, a system that tends to produce winner-take-all outcomes (but only at the Congressional district level). (5) The ban on "open" primaries in which non-Democrats can vote has been retained.

No one would dispute Davis's contention that candidates will get an early start in New Hampshire and Iowa despite the rules changes. Indeed, the commission recognized that these contests have positive value, if their isolation from contests in other settings is reduced. Davis's argument that the impact of these early states might actually be increased is unconvincing. It seems far more likely that consideration of Iowa and New Hampshire by both candidates and the press will increasingly take adjacent contests into account.

Davis exaggerates the demographic pressure the new rules will put on states. In particular, he overlooks the fact that the commission retained the 1980 "add-on" for *pledged* party and elected official delegates. The approximately 265 members of Congress, governors, and mayors who are selected as unpledged delegates will obviously be mainly white males. But almost 600 pledged and unpledged slots will remain for party officers and other groups of public officials that display a better demographic mix. Only after filling these slots will the states need to turn to their at-large positions.

Finally, Davis points up a trend which the commission's report also notes: the increasing tendency of states to schedule their primaries and caucuses early in the season. Some of the

continued on page 39

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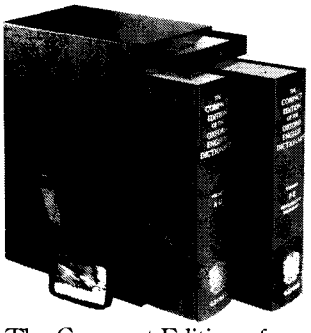

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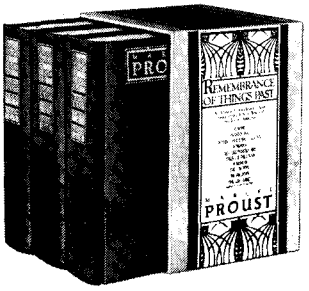

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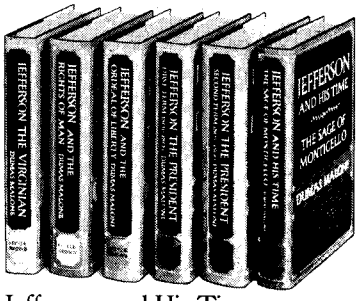

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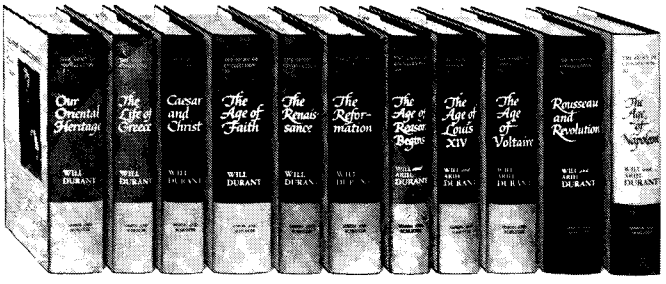

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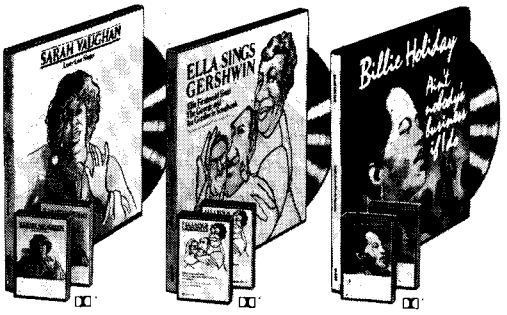

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TRB

FROM WASHINGTON

Our Mulish President

The anxiety index is rising in Washington. It looks as though something will have to give before long. The American public desperately wants its President to succeed. He represents the whole of us, and the obstacles in his way are obvious and painful and unfair, and they enlist our sympathy. Now, however (without beating about the bush), President Reagan has backed himself into a corner and faces an agonizing question: can he make his Presidency work?

He faces a tremendous deficit. There really doesn't seem to be any way out except by cutting expenditures. This isn't all his fault. For a generation or so the country has been living beyond its means, and paying for it by inflation or by issuing paper IOUs that send up the national debt. The President and his supply siders had a simplistic solution for this which hasn't worked: cut taxes (mostly of the upper class), they said, and this will create such a boom that it will balance the budget, even with the largest defense build-up in peacetime history (the proposed increase is from $160 billion to $364 billion between 1981 and 1987). He also cut federal expenditures, mostly in programs for the poor. Budget director David Stockman tried to tell him that the budget cuts and increases weren't symmetrical, but an element of obstinancy on Reagan's part stood in the way, and the Administration inched closer toward the cliff.

Nobody wants to be harsh, but when a President tells members of Congress to go back to their constituencies to find out "how much people want what we've proposed," when practically every bit of evidence shows they do not want it at all, one can only say that the Administration has lost touch with reality. Members did go home, of course, over the ten-day Washington-Lincoln holiday, and found it worse than they feared. They came back grim-faced. The last week or so has been occupied by Republican leaders breaking the news to the Chief. A note of exasperation can be clearly detected in their words. Why does he have to be told? Will he cooperate, now that he's been told? You can pick up the scenario from here.

One Republican who called on Reagan at the White House last week, Senate majority leader Howard Baker of Tennessee, said he believed the Administration is "flexible." But Senator Ted Stevens of Alaska, another of the visitors, reported that the President "showed no inclination of any changes or any suggestion of changes." And chairman of the Budget Committee, Senator Pete Domenici of New Mexico, grimly said that he didn't feel the exchange was "very constructive." Reporters asked whether the President was willing to accept changes in his $757.6-billion 1983 budget. "None; none at all," was Domenici's strange answer. Obviously he must accept changes.

Many Presidents who are blocked by obstacles at home turn to foreign affairs. Ronald Reagan, with the support of Secretary of State Alexander Haig, and perhaps with this in mind, has just made his Caribbean speech to the Organization of American States. He could go a long way here, if he would. The opening is there, just as an opening was ready for Richard Nixon when he visited China in 1972. The third world is tired of superpower rivalries, and wants to improve its own lot. "This may indeed present the U.S. with its greatest challenge and its greatest opportunity in the coming decade," says a thoughtful book-length study by the Overseas Development Council, *U.S. Foreign Policy and the Third World: Agenda 1982*.

At the governors' conference here last week, Haig was all over the place, listening to governors' complaints of illegal immigration and describing the advantages of cooperating with Mexico and the third world. For one thing, if they are more prosperous they will keep their emigrants at home. Haig declared at one point that "1.5 million undocumented" immigrants came to this country in 1980 alone, some 125,000 from Cuba, mostly by boat. This is the highest figure for illegals that I have ever heard, and I doubt its accuracy, porous as American borders are. Unemployment is growing in the United States, and now reaches nine and a half million. If the unemployed—particularly the marginal, unskilled, city workers—had any sense of politics, they would be howling with rage for stronger border patrols. Of course the nation should not play favorites in enforcement, but if there is one group to whom it owes a special obligation, it is to our own unemployed workers. It's impossible to know the number of illegals. The Reagan Interagency Task Force on Immigration estimated a year ago that "500,000 are permanently added to our population each year." The sixteen bipartisan members, led by Father Theodore Hesburgh, reported "an immigration policy that seems to be out of control."

It is a temptation for an Administration in trouble at home to point to threats by enemies abroad. It is noted now that U.S. destroyers with sophisticated listening devices are patrolling waters of El Salvador and Nicaragua, and dark hints are dropped about what they have found. It's too early to judge the matter. It evokes gloomy memories, however, of the capture of the spy ship *U.S.S. Pueblo* by North Korean patrol boats in the Sea of Japan in January 1968.

The Administration needs some good news. Wall Street has let it down. The Dow Jones Industrial Average was 1024 at the height of Reagan's 1981 summer euphoria, and last week it was down to around 810. That's a drop of 20 percent. The press has been unkind, too. *Newsweek*, speaking more as drama critic than political analyst, rates Reagan's recent press conference (only his seventh since coming to office) as "Disappointing Performance."

I found the Democratic "performance" in last year's tax cuts and arms boosts about as unsatisfactory as the Republicans'. We are not getting very inspired leadership from anybody.

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2 **CORRESPONDENCE** ..... On the Mideast, FDR, Democratic reforms, &c.

4 **TRB FROM WASHINGTON** .... OUR MULISH PRESIDENT
The Administration loses touch with reality.

7 **THE EDITORS** ..... THINGS LEFT UNSAID
The President's Caribbean Basin Initiative is fine, but more immediate crises remain.

NOTEBOOK

9 **MARTIN PERETZ** ..... A JOURNALISTIC COVER-UP
American reporters in Lebanon and Syria have become the targets of terrorism. Is that news? They and their editors don't seem to think so.

11 **MAX LERNER** ..... TWO PARADIGMS FOR RUSSIA
It's not America's job to rescue the Soviets from their own inner imperial contradictions.

14 **OWEN FISS AND CHARLES KRAUTHAMMER** ..... THE REHNQUIST COURT
In all but name, William Rehnquist is the real Chief Justice of the United States. His reading of the Constitution exalts the rights of property and state sovereignty—often at the expense of individual liberty.

17 **NEIL A. LEWIS** ..... JUSTICE O'CONNOR'S FIRST SIX MONTHS
Mostly, she goes with the Rehnquist flow.

24 **STANLEY KAUFFMANN** ..... ON FILMS: WHAT'S MISSING IS COSTA-GAVRAS
The outcry about *Missing* says rather more about the sources than about the film.

26 **ROBERT BRUSTEIN** ..... ON THEATER: ENCOURAGEMENT FROM BROADWAY
An exultantly evil Iago in Broadway's new *Othello*, Christopher Plummer has come into his own as a great classical actor.

27 **DAVID DENBY** ..... A DAY AT THE OPERA
Since big, beautiful voices are rare these days, the Metropolitan Opera is enlarging its repertory and polishing its theatrics.

30 **THEODORE DRAPER** ..... THE REVISED VERSION
Why We Were in Vietnam
by Norman Podhoretz

34 **DAVID LODGE** ..... THE CAMPUS NOVEL
The Rebel Angels
by Robertson Davies

36 **JOHN SIMON** ..... A MONSTER OF SENSITIVITY
Kafka: A Biography
by Ronald Hayman

42 **WASHINGTON DIARIST** ..... MISSPEAKING

COVER Painting by Bob Soulé for THE NEW REPUBLIC. Article on page 14.

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THINGS LEFT UNSAID

The Reagan Administration's foreign policy still consists of military policy—and little else—in all too many parts of the world. Instead of a global strategy, the Administration has a $1.5-trillion defense budget. Instead of a Middle East peace plan, the Administration has a wispy "strategic consensus" that involves buying friends with sophisticated weapons. Until the military takeover in Poland, relations between the U.S. and Europe consisted largely of trying to convince our allies to deploy intermediate-range nuclear weapons. And in Latin America, the Administration has been preoccupied with the military situation in El Salvador and with the military threat to Central America from Cuba and Nicaragua.

There have been only two major departures from this pattern of a militarized foreign policy. The first was Mr. Reagan's arms control initiative of November 8, in which he proposed cancellation of U.S. theater nuclear weapons deployment in Europe in return for the dismantling of Soviet Euromissiles. The second occurred last week, when Mr. Reagan unveiled his long-incubated Caribbean Basin Initiative in a speech to the Organization of American States. U.S. policy in the Hemisphere now has a concrete economic element to go along with its military aspect. That is a welcome development, even if it did take a long time to develop.

Not even the Administration can say just what the economic impact of the CBI will be. The needs of the region are great, owing to traditional poverty and an inequitable distribution of income lately exacerbated by exploding oil prices, inflated costs for imported manufactured goods, the world recession, and a downturn of prices for coffee, sugar, and the region's other exports. To help the Caribbean nations meet their immediate balance-of-payments crises, the Administration is proposing a one-time grant of $350 million for the current fiscal year, with the benefits directed primarily toward the needy democracies of Costa Rica and Jamaica, and toward El Salvador. Even some Administration officials question whether the $100 million in economic aid scheduled to go to Costa Rica this year will be enough to prevent the collapse of an economy whose annual inflation rate is running at 60 percent. Because of our own economic difficulties, it's impossible for the United States to launch a Marshall Plan for the whole of the Caribbean region. But the Administration and Congress ought to agree that Costa Rica is a special case. It is a demilitarized democracy which so far has avoided the violent agony besetting its neighbors in Central America. The U.S. should do everything reasonably possible to ensure that economic difficulties do not lead to political disruption.

The other two elements of the President's program are more farsighted and potentially more important than the one-shot aid proposal. Mr. Reagan's suggested free-trade zone—whereby virtually all Caribbean products will enter the U.S. duty free—is politically courageous at a time of rising protectionism at home. The proposal will be fought in Congress by industries and unions that fear competition from lower-priced Latin goods. There will also be critics of the President's proposal for tax incentives to encourage new investment in the region. But Congress should consider these measures as investments in stability and progress. President Reagan, as his advisers explain it, is trying to "get the United States ahead of the problem" in Latin America in the belief that prosperity will forestall revolution.

We think the Administration's economic initiative is praiseworthy, but the President's speech did nothing to "get ahead" of two other major problems. One is the deteriorating situation in El Salvador, and the other is the lack of public support in the U.S. for the Administration's policies in Central America. The two problems feed each other and together may well produce a

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series of human and geopolitical disasters—increasingly bloody civil wars in El Salvador, Honduras, Guatemala, and possibly even Costa Rica, and tides of refugees heading for the United States; the establishment of new Communist governments which will do nothing for the welfare or liberty of their people and will be hostile to the interests of the United States; and successive new blows to the prestige of the U.S. as a great power.

TO GET AHEAD of the situation in El Salvador, President Reagan should have taken steps to bolster public support in the U.S. He should have solemnly pledged that no U.S. forces will be introduced except in the unlikely event of a massive outside intervention. This pledge would assuage fears in the U.S. that his policy is headed toward "another Vietnam," and make it clear that it is up to El Salvador to save itself. To justify continued U.S. aid, the President should have presented evidence to back up his charges that the leftist opposition is receiving "massive" amounts of weaponry from Nicaragua and Cuba. U.S. officials claim that satellite photographs and signal intelligence document such arms flows, but security considerations prevent their release. Now is the time to get the evidence out. Unless the Administration does so, its claims will not be believed, Congress will not vote for continued aid to the Salvadoran government, and that government will collapse.

The President also should have declared that U.S. support for El Salvador is not unconditional, but based on the premise that mistreatment of the civilian population will cease. Administration claims that the human rights situation improved last year are widely and not unreasonably disbelieved in the U.S., and this contributes to Congress's reluctance to vote new aid. Every soldier in El Salvador ought to be on notice that each time he submits to the temptation to gun down a civilian, he is increasing the likelihood that U.S. aid will stop and his side will lose. It's an undeniable fact that brutalities by the security forces swell the ranks of the guerrillas. The fact should be made explicit by the U.S. government.

To get ahead of the deteriorating situation in El Salvador, the U.S. should stop blocking all possibility of a negotiated settlement. The March 28 election process is too far advanced—and the U.S. is too committed to it—for it to be reversed now, but it does not spell the end of political development in El Salvador. As soon as the elections are over, the U.S. should join other countries, including Mexico, in trying to arrange talks between the elected government and the left to see whether an internationally supervised democratic compromise is possible. It may not be, but no one will ever know unless someone takes a hand to try to bring it about. It was thought that no such solution was possible in Zimbabwe, either, until Great Britain took the initiative.

For negotiations to have any possibility of success, it has to be clear to both sides in El Salvador that the United States is not about to pull the plug on aid. The President has the responsibility to convince Congress to continue support for El Salvador. Members of Congress, and especially those Democrats who favor the negotiation option, have a responsibility to channel their moral outrage at government human rights violations into making U.S. aid conditional on an end to those violations, not into cutting off aid prematurely. American money is necessary to hold El Salvador together, not American lives. In view of the tragedy that will surely result from a collapse, and in view of the possibility of a negotiated settlement, another year of spending money is entirely reasonable.

President Reagan delivered a good speech to the OAS, one appropriate to that international audience. But he needs to make another speech on Central America directed to the American people and to Congress. He cannot continue refusing to answer questions about how deep American involvement will be, as he did in his February 18 press conference. For someone billed as the Great Communicator, Mr. Reagan has been strangely inarticulate.

NOTEBOOK

□ RONALD REAGAN'S EXCESSES have been a boon for Democrats and liberals, who for years had been left arguing the unpopular side of social issues. It was never politically easy to make a principled defense of busing or of federally funded abortions. The stakes are now different and the odds are better. The issue is not busing but racism, not federally funded abortions but the right to an abortion at all.

□ FIFTY YEARS AGO IN THE NEW REPUBLIC: "The chief characteristic of our civilization in recent years appears to be that it has been unmanageable. The enthusiast with a desire to mold affairs used to go into politics. But the disillusionment with politics, with political reform, even with democracy itself, has become so widespread that few first-rate men have entered public life, and those few have been largely ineffectual. Our enthusiast turns from politics in disgust and decides to seek his millennium in economic action. He assumes that, in the words used by many businessmen and editors, 'politics' and 'economics' are distinct realms which are by nature separate and must be kept so. By contrast with the futility of politics, business is supposed to be noble and effective. Why not work directly in the sources of modern power, and exert a managing influence on civilization through industry?" ("Chaos or Control," by George Soule, March 9, 1932.)

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Fear and trembling in Beirut.

A Journalistic Cover-Up

THE 'GUARDIAN' OF LONDON named the phenomenon "censorship by terror"; the *Economist* called it "publish and perish." But the American press denies that a problem exists at all. At issue is whether reporters in Lebanon and Syria (and their editors back home) have been intimidated in their work by what has become a casual routine, carried out by various PLO factions and Syrian security forces, of kidnappings and political murders which in the last two years have claimed the lives of perhaps a half-dozen journalists in the Arab world, wounded some others, and driven still a few more out of the region altogether by threats of assassination. With two of its correspondents, Tim Llewellyn and James Muir, known to have been targeted, the British Broadcasting Company now covers the area from Nicosia, Cyprus. Reuters also deserted Beirut after its bureau chief, Bernd Debussmann, was shot. A phone caller had warned in advance of "the spontaneous anger of the Syrian masses."

The controversy about the relationship between accurate reporting and the violent atmosphere in which news occurs would have been familiar to American readers by now had the media been more candid about it. But to admit to the fear that accompanies journalists in Beirut and Damascus (who are not allowed in the more violent places like Hama) would be virtually to concede that reporters remain alive only at the sufferance of the combatants they are supposed to be covering. Sophisticated readers have learned to discern partisanship in reporting, even in dispatches straining for dispassion. But the notion that we might not be getting the truth because journalists fear for their lives is suddenly forced upon us: the habitués of terror in the Middle East see press representatives rather simply as either usable or dispensable weapons of war.

That's probably what Sean Toolan was, according to Ze'ev Chafets, the director of Israel's Government Press Office. Toolan, an ABC-TV correspondent in Beirut, was murdered last July after helping to prepare a special broadcast by Geraldo Rivera on Palestinian terrorism. The program was not a friendly one to the PLO. Early in February, ABC aired another special report, "Under the Israeli Thumb," which was unfriendly to Israel. Chafets charged that this "intellectually dishonest" ABC presentation on it's newsmagazine program "20/20" was part of an ongoing effort to placate Toolan's killers and to assure a safe network presence in the Palestinian ambit. Roone Arledge, president of ABC News, said Chafets's accusations were "utter nonsense." George Watson, ABC's vice president, said they were "utterly ridiculous."

Maybe so. Who, after all, can judge motives? Or, for that matter, prove that star newsman Tom Jarriel's smirk and credulous tone were themselves distorting? But what is claimed as fact can be verified, and much that "20/20" claimed was clearly false. For example, Jarriel claimed that "the Israeli government refused to provide an official to appear on camera and talk about the issues this report raises about life under occupation since the Six Day War." The fact is that any number of Israeli officials—I have spoken with some of them myself—were offered up and refused by ABC because the network insisted on having Ariel Sharon, the Minister of Defense. Another wildly misleading sequence aimed at demonstrating that Israeli authorities are systematically frustrating agricultural development on the West Bank. It would have taken a minimal amount of research to discover how dramatically agriculture has been revolutionized since 1967.

And it would have taken only the most perfunctory checking for ABC to realize that the purported facts it presented on infant mortality in the West Bank are just the opposite of fact. A Ramallah doctor is seen claiming: "All babies who need respirators in this hospital, they die, because we don't have simply baby respirators. And these are lost." Jarriel adds, "The Israelis say there is one baby respirator at the Ramallah Hospital, but that's not nearly enough. . . . At Hadassah . . . an Israeli hospital serving the same size population, there are ten baby respirators." Jarriel neglected to say that Hadassah also serves the Arab population and, along with Caritas, the excellent Catholic hospital in nearby Bethlehem, cares for Ramallah's precarious home cases. In any event, there are three respirators at Dr. Harb's institution. But all this nonsense about respirators is meant to back up the charge about an increased infant mortality rate. Here is Jarriel again: "The infant mortality rate is going down almost everywhere in the world, but on the West Bank, say Palestinian doctors, it's actually going up." According to the World Health Organization, infant mortality in the Gaza Strip has declined in the years of the occupation from 64 to 43 per thousand births; in the West Bank from nearly 34 to 28. A 1978 Harvard Center for Population Studies research paper, which discounts the accuracy of the official pre-1967 Arab numbers, concludes:

> It is with the Arabs in the occupied territories that the Israeli government's policies have been most successfully pro-natalist. . . . Israeli occupation has boosted income and increased the availability of health facilities in the administered areas; this in turn has raised fertility among Arabs. . . . Gaza and West Bank Palestinians are now having an average of one child per family more than in 1967. . . . In the early sixties the Gaza Strip and the West Bank were impoverished regions, even by the modest standards of Egypt and Jordan. Life expectancy, for example, was struggling up towards fifty years; more than a sixth, and perhaps as many as a fifth, of all children died in infancy. . . . What has occurred in the occupied territories in the last decade has been nothing less than a social and

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economic revolution . . . life expectancy rose a full decade, and infant mortality dropped by almost two thirds.

The infant mortality rate on the West Bank is, in fact, by far the lowest among Israel's Arab neighbors. ABC's colloquy on medical care ends with an allusion to the Israeli aim of ". . . killing, destroying the population."

That elliptical reference to genocide is doubtless what provoked Chafets's accusations against ABC. But his claims about intimidated journalists were not reserved for ABC employees. Chafets also asserted that early last year five American newsmen—two *New York Times* staffers, one from the *Washington Post*, another from *Newsweek*, and an Associated Press photographer—were abducted and held by gunmen from the Popular Front for the Liberation of Palestine-General Command, a Marxist faction in the PLO. According to what some of them told friends, they were released after quite vivid threats to their lives, and only on condition that the media employing them not report on the episode. And for six months they did not.

The blackout was broken on February 10 in the Paris *Herald Tribune*, which printed a dispatch from David Shipler, the *Times* correspondent in Israel, detailing Chafets's charges against ABC and including a report of the holding by the PFLP of the five American reporters. The Shipler filing was printed in the *New York Times* on February 14 with the ABC component fully reported (more fully than in the *Trib*, in fact), but without any reference to the abduction of the five journalists. Was the *Times* still adhering to the agreement its employees made with the PFLP? Chafets claimed that this careful elision from the *Trib* confirmed his assertions.

In a follow-up news story in the *Times*, deputy foreign editor Craig R. Whitney claimed, "It is the policy of the *Times* to report difficulties by its correspondents in pursuit of stories when the difficulties become news." This, of course, is a non sequitur: since the *Times* didn't print it, it wasn't news. Whitney, moreover, was not being altogether frank about the *Times*'s practices in such circumstances. Its issue of May 29, 1979, carried a long article by Youssef M. Ibrahim with a third-person narrative about an American reporter of Arab descent (himself) who was detained for five hours by Israeli guards at the Allenby Bridge over the Jordan River. Nearly one year later, on February 3, 1980, the *Times* published an even longer article by Martin Tolchin giving an elaborate account of his difficulties as a Jewish reporter in Jordan, in trying to secure permission to cross into Israel, also via Allenby.

At last, on February 22, 1982, the *Times* published an article by John Kifner, its Lebanon correspondent, headlined FEAR IS PART OF JOB IN BEIRUT. It was a schizophrenic report. On the one hand, it added to the lore about reporters—one from *Figaro*, another from CBS—being terrorized out of town. And more: "A major Arab publisher bombed out of Beirut, returns from London for his mother's funeral and disappears on the way to the airport. His body is found in the trunk of a car, the right hand burned off with acid, a chill warning. . . ." On the other hand, Kifner downgraded the significance of the May internment episode: "Fairly cordial atmosphere . . . ," and added, "The incident was regarded as something of an embarrassment to all concerned." Kifner admitted *inter alia* that he was one of the five detained. *Newsweek* also finally reported the story the same week, conceding that its own Julian Nundy was one of those held. What of the other three? Well, maybe their employers will tell us.

AS OF THIS writing they haven't. An old hand at stonewalling, the *Washington Post*, hasn't given the controversy an inch. Nor have the wire services, which haven't moved the copy they have received on it from their staffers in Israel. Others in the profession, rallying with the collective instincts of a medieval guild, have implicitly justified the nine-month silence. *Time* says, "The hazards of operating in Beirut have not distorted coverage from there." *Newsweek* went one step further, quoting two journalists, known as particularly unhesitating conduits for PLO views of Middle East realities, as claiming Palestinian Beirut to be positively cozy for reporters. In the rush to minimize the importance of the episode, there was no agreement on the basic facts. *Time* said the five were held for 12 hours, *Newsweek* for 16, and Kifner in the *Times* 20. The *Post*'s assistant managing editor, Jim Hoagland, recalled, according to *Time*, "that the *Post* man taken into custody did not feel it was 'all that big a deal.' " It won't wash. *Time* reports that "at least two of the newsmen felt their lives were in danger." And now comes Peter Meyer-Ranke, Middle East correspondent for West Germany's huge Springer press combine, with testimony to having personally observed "self-censorship, self-restriction, and silence" by his Beirut-based colleagues. He added to the list of the anxiously non-offending reporters and also to the litany of the dead.

The censorship by terror apparently is still operative. Kifner's curious memoir is now on the record, as is *Newsweek*'s bashful bulletin. But the three others have not yet come forward publicly to concede that they have accommodated to the terrorists and been compromised as reporters of events made by captors who once menaced and then spared their lives. Their names, then, should be known to readers who will have occasion to judge their reliability as witnesses in the bloody battlefields which are Lebanon and Syria. They are Jonathan C. Randal (the *Post*), William Farrell (the *Times*), and William Foley (AP). Their insistent silence and that of their employers confirms that the fears Ze'ev Chafets says the PLO and the Syrians have put into their hearts is there, and understandably so. The public is entitled to know that, too.

MARTIN PERETZ

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Contradictions in the Soviet Union—and in how we see it.

TWO PARADIGMS FOR RUSSIA

BY MAX LERNER

IN THE DEBATE over Poland, two overall views—or paradigms—of the Soviet Union are emerging. The old labels, "hawk" and "dove," are misleading, because today's differences have only tangentially to do with military issues and nothing at all to do with an eagerness, or lack of it, for war. They are above all differences in *political* perception and analysis. And they are better described by William James's terms, "tough-minded" and "tender-minded." One faces the reality principle sturdily; the other obscures reality by superimposing on it a wishful mental image. The Reagan nonsanction sanctions are a mongrel straddle between the two.

I start with the reality of an expanding yet vulnerable Soviet empire. Whatever blunders Chairman Brezhnev and General Jaruzelski have committed, failure of nerve is not among them. They acted with force and cunning and caught the West off guard. Yet the Soviets are not immune to the afflictions of empires of the past. There is evidence of the cancer of overexpansion in Afghanistan; evidence of repressive rigidity in the Brezhnev Doctrine of crushing dissent; evidence over thirty years, from the Yugoslavs and Hungarians and Czechs to the Poles, of a spreading failure of belief at the heart of the Soviet empire. Despite the dreary ritual denunciations of American "imperialism," the fact is that the Soviet empire is the only imperial game in town. The Polish coup, like the extraordinary political uprising it was designed to crush, is an historic event because it shows that the game is in trouble.

Item: An entire people within the empire has lost belief in Communism as a system of producing, sharing, or governing which can sustain their lives. This goes beyond Polish nationalism and Polish Catholicism. It reaches to the gut feeling of people about the power structure and the moral system of Communism.

Item: One of Communism's sacred principles—the overall control of the military by the Party—has proved to be dispensable. The Jaruzelski repression was the first military coup in a satellite state. True, it was done by a Polish proconsul at the bequest of the Soviet Party leaders; but it sets a precedent which can't fail to produce anxiety.

Item: It is now clear that whatever else the empire can permit, including elements of capitalism (as in Hungary) or a degree of detachment in foreign policy (as in Rumania), it cannot permit sharing of decisions at the base, especially with an independent trade union. If the Solidarity leaders thought it could, they were tender-minded, and all of Poland is paying for it.

The swiftest reaction to the Reagan sanctions, from George Kennan and his epigone, was ingeniously reasoned from false and fragile premises. Kennan sees the Yalta system as a necessary framework of equilibrium to give the Russians a guarantee for their geopolitical security. What this says is that the West must offer the Russians a kind of assurance that they do not in turn offer the West. The argument is that the Soviet leaders still feel encircled, and that power challenges in border states could deliver the Soviet system into extreme hands and bring on the nightmare of war.

A more abject apologia comes to us by grace of the Institute for Policy Studies, in Washington, which is preparing a "peace in our time" campaign that would strip America unilaterally of nuclear arms—a dandy gift for the Soviet Union. The latest nugget of illumination from the Institute is Fred Halliday's insight that it was the U.S. Pershing II missiles in Germany which scared the Russians into their Polish adventure. Hence the U.S. and NATO must "share responsibility" for the crushing of Solidarity. On what sacred mushrooms do our left intellectual hallucinators feed?

This is the emerging new isolationism. Its elements are roughly these: (1) Don't rock the boat on the Yalta system; (2) No matter what moves the Russians make, do business as usual with them, including the export of high technology to perfect their armament; (3) Shut your eyes and don't make any noise about Soviet expansionism. It is simply the harvest of popular revolutions, in Central America or wherever, against poverty, landlordism, or repressive regimes, and therefore justified by historical forces; (4) Attack the American response to these revolutions, even when U.S. security is at stake, and even when the geopolitical impact may be as close to the U.S. as Cuba, Nicaragua, El Salvador.

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Russia's response to threats to its security are understandable. America's are reactionary, imperialist, and outrageous.

If there is an answering strategy to apply in the current crisis to the Polish coup, I don't find it in *detente*. Recent events have stripped it of the meaning it had when Henry Kissinger raised it and Richard Nixon embraced it as their standard. Too much has happened since then, from the Vietnam debacle to Poland, to leave it much more than a tattered banner. Even Kissinger doesn't invoke it anymore.

Nor is *containment* of much conceptual use any longer. It has had a checkered history. Dean Acheson employed it resourcefully, John Foster Dulles dangerously, Dean Rusk disastrously, Zbigniew Brzezinski brashly. It can mean almost anything, but it is always reactive. At its extreme, when we have said to the Soviets, "This far and no farther," it has meant they had already gone too far.

The rate of obsolescence of strategies toward the Soviet Union has been alarmingly rapid. We use up global paradigms as we use up TV sit-coms. The pace of change in both the Soviet and American power structures has turned once-useful formulations into anachronisms. We are in Lincoln's situation: "The dogmas of the quiet past are inadequate to the stormy present. As our situation is new, so must our thinking be new."

The one surviving concept is the new, three-pronged *isolationism*: Yalta as an apologia for Soviet action in Eastern Europe, unilateral nuclear disarmament, no American aid for allies menaced by guerrilla revolts.

The most vigorous attack on the new isolationism has come from Kissinger, who, free of policy entanglements, could level a sharp rebuke to Reagan and Haig. The Reagan "sanctions" were, for Kissinger, token symbols: they should have included a ban against grain deals with the Soviet Union, a closing down of high technology sales, and a stern insistence on declaring Poland in default on its massive debt to Western bankers. Kissinger would also apply the "linkage" doctrine to close down further talks on nuclear arms control if there is no lifting of the Polish repression. In short, where the new isolationists held that the U.S. had overreacted to the military coup, Kissinger said outright that Reagan had not really begun to act. He didn't offer a sustained critique. But one can read enough between the bursts of his brief salvo to count him among those who seek a living paradigm to replace the corpses of containment and detente, and to challenge the new isolationism.

THAT SEARCH must begin with a cool, analytical assessment of where Russian power stands today, of the health or sickness of the Soviet system, of its triumphs and frailties, and especially of its inner contradictions. There is a dialectical process at work in it. Out of Stalin's virtual annexation of Eastern Europe, and Roosevelt's validation of the Yalta system, has come a Soviet empire never contemplated in Marx's doctrine. As this empire has grown, the concern of the Soviet leaders has turned increasingly inward to their bastion in Eastern Europe. If that can be sustained, it will form a base for everything else. If it collapses, everything collapses. Hence the panic in the wake of the Hungarian and Czech revolts. Hence also the Brezhnev-Suslov Doctrine, making Mother Russia the mother of empire, shepherding the sons in a fraternal band held together however lethally. Whatever difficulties the West may have in finding a paradigm for the Soviet Union, the Politburo has found its own.

I FIND IT IMPOSSIBLE to sympathize with these misgivings of the Soviet leaders. Nor can I accept the view that the Yalta division is not only existentially *there*, but was justified historically by the suffering of Russia in the war. This becomes an apologia for Stalin's craftiness and ruthlessness, as well as an argument from suffering. Stalin carved an empire in Europe out of the war's ending, and empire carries security burdens and fears that expand with power, and against which we can morally give the Russians no protection.

The massive truth revealed by martial law in Poland is that the Soviet empire is caught in a fateful set of contradictions. It can't produce effectively, and its planning creates more messes than it can resolve. It can neither share power with autonomy movements nor admit any true measure of democratizing. The Soviets can't afford to intervene nakedly, but even less can they allow their supreme power to be challenged. Their intervention through a surrogate like Jaruzelski is transparent except to the willfully blind. And always the other satellites are watching and remembering.

Responding to its fears and prides, and to its felt need to outdo the U.S., the empire has militarized itself like no other in history. True, the civilian Party is still in control of the military everywhere except in Poland. Yet even in the Soviet Union, with its panoply of ships, infantry divisions, and missiles, the military has triumphed. Its priorities dictate the shape of an outwardly "socialist" society which has become a vast version of Sparta, sprawling over Eurasia and much of the rest of the world—a Sparta caught in its suit of armor, unable to bend its doctrine to meet the human need to breathe some air of freedom.

To match its war-state, Russia has developed a KGB-Gulag prison-state, using indoctrination, intimidation, espionage, and force to hold its own people in line, and to monitor the parallel apparatus within each satellite. This must be heartbreaking to Marxists around the world who dreamed, as Marx himself did, that by transforming the relations of production men could transform and liberate themselves.

The economic contradictions that flow from this

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militarized prison are sharp. The Soviet rulers must maintain good enough relations with the West to keep borrowing (and stealing) the high technology on which much of their mounting military strength depends. Yet the minatory shadow of Soviet armaments looms darkly over a European and American business elite still determined to furnish the capitalist rope for the Soviet imperial hangman. Besides, with so much of their national income preempted by armaments, the Russians have neglected their civilian industrial plants and their good production, and they cannot afford the heavy costs of propping up failing satellite economies like Poland's and the servicing of their massive debts to the West.

If Poland continues to seethe, or new Polands burst into flames, the Russians will again have to confront the agonizing question of Soviet invasion or internal Bonapartism. And always there is the certainty that dissenting groups in the satellites are spotting every vulnerability, learning from every blunder of their rebellious brothers. Even worse, the Russians must know that in the event of a land war in Europe they would have to reckon with guerrilla movements fighting them behind their backs.

One would have thought that Socialist intellectuals in the West would use their Marxist skills to probe these contradictions within the Soviet system—as indeed some of them have. But their leaders in West Germany and the Scandinavian nations have added to the pressures from private and state corporations to do business with the Soviet empire. François Mitterrand, sterner verbally than Helmut Schmidt, nonetheless signed a contract (like the Germans) for Soviet natural gas which will make France dependent on Russia for decades. Enrico Berlinguer's Italian Communist Party, which dared break with the Russians over Poland, was excommunicated in *Pravda*, which never published Berlinguer's original statement. One can only mourn the treason of so many Socialist politicians.

OVER THE WHOLE scene hangs the specter of an unthinkable yet possible nuclear war. Soviet intelligence has brilliantly nourished the impact of that fear on neutralist and passivist emotions in the West.

There are deep contradictions too in American thinking and the American power structure. Responding to the Soviet military build-up, the Reagan Administration is fighting a defense budget battle whose long-range figures are now quoted in trillions of dollars. Reagan and his advisers are caught in a dialectical tension which may not terrify them, but which terrifies the world. If they don't match the Soviet military build-up, they will feel guilty of a failure of nerve all too characteristic of the democracies. If they persist in matching or exceeding it, they run the risk of destabilizing the economy, splitting the NATO alliance, and furnishing intellectual ammunition to third world guerrillas.

The Soviets in turn, however hard pressed they may feel in protecting the heart of their empire, can't afford a nuclear response. What will it avail them, sitting on top of an unparalleled pyramid of imperial power, if they turn the entire pyramid into radioactive dust? Neither camp can afford the escalating costs of a nuclear spiral, nor the dangers it offers of decimating whole populations, including their own.

This is the point at which the Kissinger critique fails. To scrap nuclear talks by applying "linkage" because of Poland would be self-defeating, precisely because it releases the Soviet Union from the shame of Poland, and diverts the world's attention to the U.S. as the prime nuclear threat. The U.S. must both continue with SALT and put increasing emphasis on bilateral arms reduction. And it must mean it—even while it recognizes the possibility that the Soviets will not. Nothing less will be adequate to the crisis of our time.

The possibility of nuclear war, however small, is both real and terrifying; to reduce that possibility is a genuine point of convergence between the interests of the two great powers. Yet the specter of nuclear war as it is invoked by the new isolationists is disingenuous in the extreme. They never say directly that the Soviets might use their nuclear strength for imperial purposes, speaking only of American pressures that will push the Russians over the nuclear brink. Yet when it is a question of Soviet pressures on the perimeter of American alliance and influence, it is unthinkable to them that the U.S. too may be pushed into belligerency.

Every isolationist expects the U.S. to be gradual in its response, tolerant, permissive. That is why the isolationists' asymmetrical nuclear specter is dishonest—dishonest because they can't have it both ways.

AS FOR AN OVERALL U.S. strategy, it must follow from the paradigm of a Soviet empire beset by inner contradictions. Its task will be to go with the contradictions, not against them—not to help the empire smooth them out, not to give it high technology, not to settle its debts, not to do business as usual with its martial law satellites, but whenever possible to sharpen the contradictions and let the Soviet empire face the consequences of its bid for world power.

This still leaves a wrenching question. Do we want a healthy or a sick Russia? One of the many paradoxes of nuclear weapons is that a great power can disintegrate, can slide to the edge of economic and political collapse, without in any way diminishing its ability to inflict the ultimate in military destruction. A too-sick Russia, as adversary, could throw the world into chaos. But we are not our adversary's keeper. By all means let us have a healthy Russia—as healthy as it can be in its state of inner-imperial contradiction. But not at the expense of the Polish people, or the Afghans, or the Rumanians, or the Cambodians, or the West Europeans, or the Americans, or any others who want the freedom to cope with the realities of collective living.

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A return to the antebellum Constitution.

THE REHNQUIST COURT

BY OWEN FISS AND CHARLES KRAUTHAMMER

FROM THE MARSHALL COURT to the Warren Court, the role of the Supreme Court in determining the course of American political life has been widely acknowledged. It is harder to see how the Burger Court plays that role today. It appears to be adrift, but that impression is false. There is a vision that informs its work and shapes our politics. The source of that vision, however, is not Warren Burger. It is William Rehnquist.

Justice Rehnquist's leadership results from neither accident nor usurpation. He and Chief Justice Burger were appointed by the same President and have voted together to an astonishing degree—last term in 79.9 percent of all cases in which full opinions were issued. When he is in the majority, the Chief Justice has the privilege of deciding who speaks for the Court, and Burger has consistently chosen Rehnquist. In recent terms Rehnquist has written the opinion for the Court in almost all the important cases in which he was in the majority. Even his dissents set the terms of the debate among the Justices and often determine the evolution of future doctrine. It is not unusual for a Rehnquist dissent to become the majority opinion within a relatively short time.

If the pattern of decisions and the number of times he speaks for the Court are any indication, Rehnquist has considerable influence with the other Justices. Yet he does not have a secure majority. He is struggling for control: he is the leader, but the Court is divided, as is revealed by the striking increase in the number of cases in which no single opinion attains a majority of five. Justices William Brennan and Thurgood Marshall, principal forces on the Warren Court, usually oppose him. Justices John Paul Stevens and Harry Blackmun have increasingly become nonaligned, pulling away from both so-called "liberal" or "conservative" blocs, and often writing separate opinions.

Justice Rehnquist can usually count on the votes of Chief Justice Burger, Justice Lewis Powell, and, to a slightly lesser extent, Justice Byron R. White. When Potter Stewart was on the Court, he tended to be part of the same bloc. The appointment of Sandra Day O'Connor as his replacement is not likely to change the alignments. O'Connor has strong ties to Rehnquist. They were classmates at Stanford; and both she and Rehnquist spent almost all their adult lives in Phoenix, where they were members of the same social circles. Rehnquist has described O'Connor as a close personal friend. Shortly before her nomination, she published a law review article in which she revealed her admiration for Justice Rehnquist, her identification with his general philosophy, and the likelihood that she would move within his orbit of influence.

That orbit is likely to expand, given Rehnquist's energy, his youth (he is only 57), the clarity of his vision, and the likely pattern of future appointments. Under Reagan, Rehnquist's base of power will grow, since his constitutional program bears a remarkable similarity to President Reagan's new federalism. Five Justices, including Marshall and Brennan, are now in their mid-seventies and Reagan appears ready to use his appointment power to further his political views.

Rehnquist's intellectual and ideological qualifications for his leadership role have never been much in doubt. In 1952 he graduated first in his class from Stanford Law School. He then served as law clerk to Justice Robert Jackson before returning to practice in Phoenix in 1954. He spent the next fifteen years in a successful private practice before joining the Justice Department as an assistant attorney general in 1969. Two years later, President Nixon nominated him for the Supreme Court.

Long before he joined the Court, Rehnquist ardently and aggressively fought against the liberal ideas that were to find their deepest expression in the Warren Court. While still a clerk to Justice Jackson, he wrote a memorandum in defense of the *Plessy* v. *Ferguson* decision of 1896, which constitutionally legitimated Jim Crow laws. He wrote,

> To those who would argue that 'personal' rights are more sacrosanct than 'property' rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that

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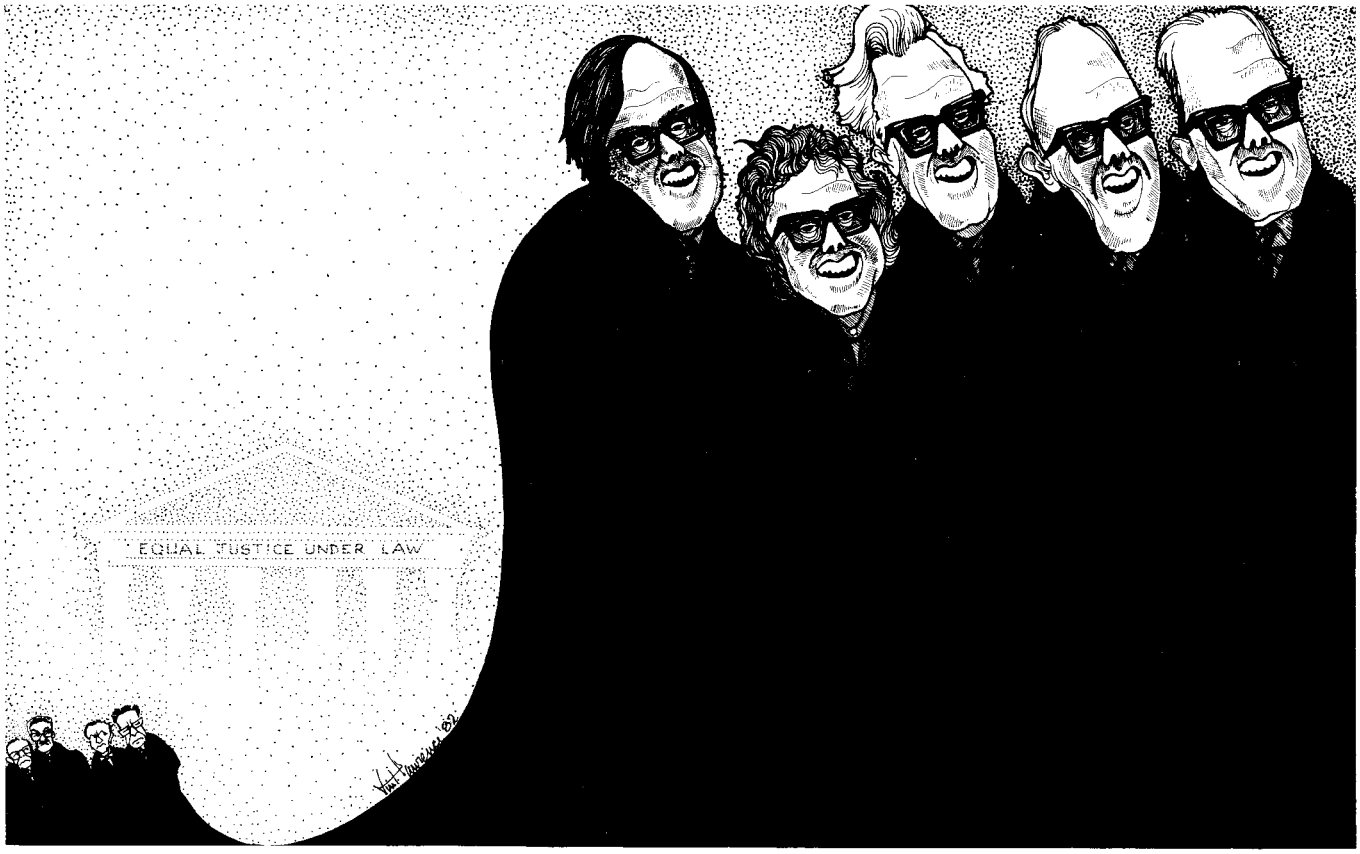

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

He continued in this vein in 1958, when he published a sweeping attack upon a series of decisions of the Warren Court that sought to curb the excesses of the McCarthy era. He began his article in a bar association publication this way: "Communists, former communists, and others of like political philosophy scored significant victories during the October, 1956, Term of the Supreme Court of the United States, culminating in the historic decisions of June 17, 1957." (Included among the so-called "historic decisions" was *Yates* v. *United States*, which set aside the convictions of American Communist leaders and thus sought to protect advocacy of belief. The *Yates* opinion was written by Justice John Harlan, a true conservative and a great judge, whom Rehnquist succeeded and whose name he often invokes to support his positions.) In 1964 Rehnquist stepped forward to register his opposition to a Phoenix ordinance designed to prevent discrimination in public accommodations. The issue, as he saw it, was "whether the freedom of the property owner ought to be sacrificed in order to give to these minorities a chance to have access to integrated eating places at all." Later, Rehnquist actively opposed a proposal by the Phoenix superintendent of schools for a voluntary exchange of students to reduce segregation. "[W]e are no more dedicated to an 'integrated' society," he wrote, "than we are to a 'segregated' society." That was in 1967.

Two years later, he joined John Mitchell's Justice Department. "He did not just work as a quiet drone in the Attorney General's office," Joseph L. Rauh later remarked. "He went out on the hustings as the Administration spokesman." Rehnquist publicly defended the nomination of G. Harrold Carswell to the Supreme Court, the mass arrest of antiwar demonstrators on May Day (as part of a " 'qualified' martial law"—his term), the use of the military to conduct surveillance of American citizens in the years following the Detroit riots, and the Administration's program to impose restrictions on the rights of government employees to criticize government policies. In 1971 President Nixon rewarded him with an appointment to the Supreme Court.

On the Court, Rehnquist's opinions have been clear, lucid, brief, and mercifully free of bureaucratese. He gets to the point quickly and does not decorate his opinions with authorities he has neither read nor understood. On the other hand, his opinions fall radically short of the ideals of the profession. He repudiates precedents frequently and openly, and if that is impossible (because the precedent represents a tradition that neither the Court nor society is prepared to abandon), then he distorts them. For example, we are told by Rehnquist that the *Debs* case, involving one of the great strikes in American history, was simply "an armed conspiracy that threatened the interstate trans-

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portation of the mails." He creates his own precedents out of asides: he places apparently inconsequential statements unobtrusively in one opinion, only to use them several opinions later—when he makes them seem of central importance to the earlier case and decisive to the case at hand. He manipulates trial records, as when he tried to discredit the findings of a trial court, affirmed by a court of appeals, that a pattern of police harassment of minorities had occurred in Philadelphia. Rehnquist saw only isolated incidents. He will also occasionally substitute slogans for analysis, as when he dismissed a grievance against overcrowded jails on the grounds that the Constitution does not guarantee "one man, one cell."

These failings of craft have attracted much attention, especially from the bar, preoccupied as it often is with process rather than substance. But the real problem with Rehnquist is substance. Rehnquist has a constitutional program for the nation: he wants to free the states from the restrictions of the national Constitution, particularly those emanating from the Civil War Amendments and the Bill of Rights. His ideal is state autonomy—and for a decade he has been working methodically to make it a reality.

BEFORE THE CIVIL WAR, it was established doctrine that the Bill of Rights limited only the national government, not the states. The Civil War Amendments radically changed that. The Fourteenth Amendment, in particular, placed far-reaching restrictions on the states. It forbade states to "abridge the privileges and immunities of citizens of the United States," to "deprive any person of life, liberty, or property, without due process of law," or to "deny to any person within its jurisdiction the equal protection of the laws." These generalities have been construed as "incorporating" almost all of the more specific protections of the Bill of Rights, thus making them applicable to the states. This process of incorporation began at the turn of the century, with the protection against confiscation of property, and reached its fullest expression during the Warren Court.

Rehnquist has denounced the incorporation doctrine. He has, for example, advocated wider latitude for the states than for the federal government in regulating speech. He acknowledges, of course, that states are bound by the generalities of the Fourteenth Amendment, but he insists that the Bill of Rights is not to be used as the measure of compliance. The states are to be held to an indeterminate lesser standard.

In defending this position, Rehnquist often cites Justice Harlan, who also rejected the incorporation doctrine. But though Harlan held the states to a lesser standard, he held the *federal* government to a very high standard indeed, as evidenced by his objection to federal obscenity prosecutions. Rehnquist has yet to follow Harlan's lead of vigorously applying the Bill of Rights against the federal government. His rejection of incorporation works in only one direction—in favor of state autonomy.

With the possible exception of Powell, no Justice on the present Court has so far shown a willingness to follow Rehnquist in his rejection of the incorporation doctrine. But Rehnquist has marshaled a majority of the Court for another strategy to serve his as yet too radical view of state autonomy: imposing strict limits on the powers of the federal courts and Congress.

The decisive turn against the courts came in 1976 in *Rizzo* v. *Goode*, the suit charging a pattern of police abuse of minorities in Philadelphia and seeking structural reform, including an internal disciplinary system, to reduce the likelihood of such abuses. The suit was modeled on the standard school desegregation case, which has almost always been brought in federal courts. Rehnquist dismissed *Rizzo* because the remedy required a federal institution (a federal court) to oversee the operation of a state agency. In this conclusion, he departed radically from the principle, implicit in *Brown* v. *Board of Education* and subsequent cases in the 1960s, that the federal courts are the primary guardians of federal constitutional rights.

The *Rizzo* plaintiffs could still seek redress in the state courts. On the surface, *Rizzo* did no more than shift power from one set of judges to another, both applying the same law. But the consequence of such a reallocation of power is likely to be great. It would be the equivalent of entrusting the implementation of *Brown* to the state courts. By and large, state judges, unlike federal judges, lack the independence that comes with life tenure; they are more subject to the shifting tides of politics. Transferring power to the state courts will reduce the level of enforcement and make more uneven the implementation of Fourteenth Amendment protections.

Rehnquist is not alone in attacking the federal courts for undertaking structural reform of state agencies of the type contemplated in *Rizzo* or *Brown*. But what most critics oppose is judicial activism. They think it inconsistent with our democratic ethos for courts to usurp the power of elected officials and do their work. Rehnquist, on the other hand, is a judicial activist. In his devotion to state autonomy he does not flinch from using the power of the judiciary to restrict the powers of the elected branches, and particularly of Congress.

A MAJOR ASSAULT on Congressional power occurred just last term in *Pennhurst State School* v. *Halderman*. The Court had before it a 1975 Congressional statute that had two objectives: to give money to the states for the mentally retarded and to codify the rights of the institutionalized mentally retarded. In the second aspect, Congress had, in effect, enacted a bill of rights (it was called just that) for the mentally retarded. Writing for the majority, Rehnquist ruled that those rights have no legal force; they are only

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JUSTICE O'CONNOR'S FIRST SIX MONTHS

When Ronald Reagan plucked Sandra O'Connor from obscurity last summer and made her the first woman to sit on the Supreme Court, the nation cheered. Richard Wirthlin, the President's pollster, says that the O'Connor nomination was one of the principal events last year that contributed to Mr. Reagan's popularity. It was such a widely admired political masterstroke that Mrs. O'Connor, a 51-year-old state court judge from Arizona, was supported by both liberals and conservatives, a division usually at its sharpest when it comes to judicial nominations.

Yet despite all the fascination with her nomination, little was actually learned about what kind of Justice she would be. During her confirmation hearings before the Senate Judiciary Committee, she faced nothing more minatory than a clumsy interrogation about her views on abortion by three newly elected Moral Majoritarians: Jeremiah Denton of Alabama, John East of North Carolina, and Charles Grassley of Iowa. Confronted by her moral inquisitors, she offered repentance: she simply renounced her once-held moderate views on abortion and publicly regretted her legislative record on the subject. It didn't seem to matter whether her change of heart was one of conscience or convenience, since feminists, and even abortion rights advocates, were eager to see her confirmed.

The only time anything approaching a serious question of judicial philosophy occurred was during a colloquy with Senator Howard Metzenbaum, Democrat of Ohio. Mr. Metzenbaum said he was concerned about a recent law review article by Mrs. O'Connor that argued that plaintiffs should be limited in appealing their cases in federal courts. Mrs. O'Connor, who sought to avoid discussing anything substantive which could harm her chances, remarked that she regretted having written the article because of the questions it was raising.

But now, halfway through her first year on the bench, she has gradually begun to reveal herself. Her vote has not always been predictable. But she has cast her lot often enough with law-school classmate William Rehnquist and with Chief Justice Burger to help forge a clear conservative majority on a number of crucial issues.

On January 12, Mrs. O'Connor justified Senator Metzenbaum's particular concern when she provided the fifth vote for a bare majority ruling that ordinary taxpayers could not sue in federal court to prevent the government from giving away valuable surplus property to a religious group. The decision turned upon the concept of "standing," or who is a proper party to bring a suit, a concept that is at the center of the philosophical debate over how active the federal courts should be in attempting to redress wrongs. The case, *Valley Forge Christian College* v. *Americans United for Separation of Church and State*, may be the best barometer this year of a Justice's view of the courts and the Constitution.

Mrs. O'Connor joined the opinion of Justice Rehnquist, who derided the notion "that the business of federal courts" is to go around "correcting constitutional errors." Justice Brennan, dissenting sharply, accused the majority of engaging in "a dissembling enterprise" that will "slam the courthouse door" in the faces of people who believe that their constitutional rights have been violated.

In another case involving the role of federal courts, Mrs. O'Connor voted with five other Justices to uphold a 40-year prison sentence for a Virginia man convicted of possession of less than nine ounces of marijuana. In an unsigned opinion, the majority chastised the lower federal court judge for daring to second-guess a state court judge and a state legislature. The Justices in the majority said that federal courts could consider apparently unfair sentences only in the most extreme cases. The example they gave was life imprisonment for overtime parking.

At times, however, the Burger-Rehnquist line has been too much for Mrs. O'Connor. On January 19, she provided the fifth vote to strike down a death sentence that had been imposed on a 16-year-old boy in Oklahoma. The sentence was invalid, the Court ruled, because the sentencing judge had refused to take the youth's troubled and violent upbringing into account.

Chief Justice Burger wrote the dissent. He expressed the view that the lower court had indeed been aware of the boy's bleak past; the judge's statement that he had not considered it was "purely a matter of semantics." And, Mr. Burger wrote, in a curious turn of phrase under the circumstances, "There comes a time when every court must bite the bullet." This was the same brand of impatience expressed last year by Mr. Rehnquist when he urged judges to "get on" with the business of putting people to death and not be deterred by continuing appeals.

In the case of the 16-year-old killer, Mrs. O'Connor so strongly disagreed with Burger and Rehnquist that she took the trouble to file a separate opinion castigating the dissenters. She noted that the Court had always taken extraordinary care when the death penalty was involved, because capital punishment is so final. As to whether the boy's background was considered by the judge, or whether, as Mr. Burger claimed, it was a false issue, Mrs. O'Connor responded by saying, in effect, Let's take the time to find out and be sure. But her action may be of dubious significance in the end. If the case returns to the Court after the state judge considers the boy's past, she may well vote to have him executed.

Mrs. O'Connor's record so far suggests she will not alter the steady conservative momentum of the Court. But, as judicial scholars agree, it is difficult to predict how a Justice's philosophy may evolve over his or her years on the bench. And as the youngest member of the Supreme Court, Justice O'Connor may be with us until well into the twenty-first century.

NEIL A. LEWIS

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advice to the states. The talk of rights for him was only "precatory."

Congress's power to impose on the states a bill of rights for the mentally retarded could easily be derived from Section Five of the Fourteenth Amendment, which allows Congress to enforce by legislation the rights guaranteed in the amendment. (Congress has used Section Five and comparable provisions in the other Civil War Amendments to justify important civil rights legislation like the Voting Rights Act of 1965 and the Civil Rights Act of 1968.) The legislative record makes it clear that the portion of the 1975 statute guaranteeing the rights of the mentally retarded was understood as an exercise of Section Five power.

That was not good enough for Rehnquist. He held that in order for legislation even to be considered an exercise of Section Five power, Congress must *specifically* invoke that power, something it had failed to do in enacting the 1975 law. The stated reason for Rehnquist's rule was, once again, state autonomy: since all Congressional actions under Section Five constrain the power of the states, they necessarily threaten state autonomy and, for that reason, should be disfavored. Rehnquist thus implicitly repudiated the time-honored rule, based on the respect for Congress as a coordinate branch of government, that whenever Congress acts it is assumed to exercise *all* of its powers under the Constitution.

HAVING LIMITED ONE source of Congressional power, Rehnquist then turned in *Pennhurst* to the task of protecting state autonomy from another: Congress's spending power. The 1975 statute could reasonably be understood as an exercise of that power (even if it were not considered an exercise of Section Five power). The Department of Justice argued that because the states were using federal funds in their programs for the mentally retarded, Congress could impose on the states obligations regarding the rights of the mentally retarded, and had in fact done so in the 1975 act. Rehnquist refused to accept that argument. He reduced Congress's power under the Spending Clause to a power to offer the states a contract. For him, "the legitimacy of Congress's power . . . rests on whether the State voluntarily and knowingly accepts the terms of the 'contract.' " Applying the principles of private contract law, he insisted that Congress specify the conditions of this "contract" with the same degree of clarity one would require of a bargain between two farmers over the sale of a cow. Since the provisions in the 1975 legislation protecting the rights of the mentally retarded did not have the requisite clarity, he refused to give them legal effect.

This ruling, like the one disfavoring the use of Section Five, is not an absolute restriction on Congressional power. It is more in the nature of a procedural limitation. Congressional action is still possible, but more difficult. The clarity that Rehnquist demands is an ideal that is largely unrealizable, and probably always variable. Even if Congress can overcome these barriers, Justice Rehnquist will doubtless find others. This suspicion arises from statements in his opinion in the *Pennhurst* case—once again, virtual asides—that reserve his options if, by chance, Congress is able to overcome procedural barriers. It also arises from his willingness to impose more substantive restrictions on Congress in other domains, such as the regulation of commerce.

Though Section Five of the Fourteenth Amendment and the Spending Clause are important contemporary sources of national legislative power, most of the growth of Congressional power in the twentieth century has been under the Commerce Clause. This grants Congress the power to regulate commerce among the states, and it has been construed as a broad grant of authority, subject to little more than the prohibitions of the Bill of Rights. The results have sometimes been momentous. The Civil Rights Act of 1964, for example, was viewed as a proper exercise of the commerce power because it prohibited racial discrimination in public accommodations using goods that moved in interstate commerce.

Rehnquist has refused to accept the accretion of Congressional power that has occurred under the Commerce Clause. Against it he has elevated state autonomy to a constitutional value of the first rank, using it to limit Congressional action as the Warren Court might have used freedom of speech or other values from the Bill of Rights. In *National League of Cities* v. *Usery*, Rehnquist used state autonomy to invalidate a federal statute prescribing minimum wages and maximum hours for employees of states and localities. "If Congress may withdraw from the States the authority to make those fundamental employment decisions upon which their systems for performance of these functions must rest," he wrote, "we think there would be little left of the States' 'separate and independent existence.' "

The doctrine of *Usery*, like the *Pennhurst* rule reducing Congressional legislation to contract, resurrects the notion of "state sovereignty," which sees the states as almost coequal to the nation, and as tied together only by formal compact for limited ends. The reach of this doctrine is considerable. As Archibald Cox once said of equality in the Warren era, the idea of state sovereignty, once loosed, is not easily cabined. In *Usery* it was used to curtail the power of Congress to regulate relations between the states and their employees. It may eventually be used to curtail all exercises of Congressional power affecting the states.

REHNQUIST'S CHAMPIONING of state autonomy may make him a hero to conservatives, but that acclaim would be ill-deserved. He is no conservative, as that term is ordinarily understood in the law, but

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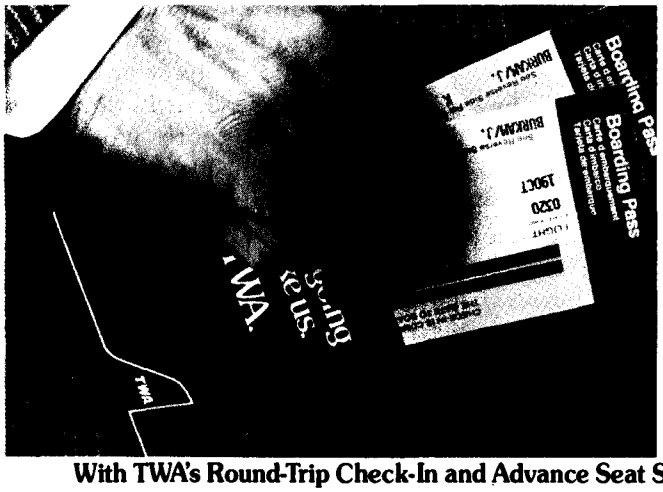

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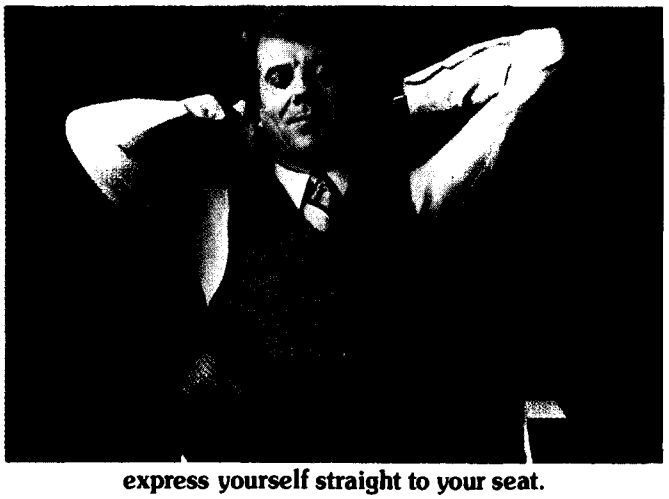

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rather a revisionist of a particular ideological bent. He repudiates precedents; he shows no deference to the legislative branch; and he is unable to ground state autonomy in any textual provision of the Constitution. On occasion, he invokes the Tenth Amendment, but it cannot carry the full weight of his program. Accordingly, he eschews what he calls "literalism" and speaks instead of the "implicit ordering of relationships within the federal system" and the "tacit postulates yielded by that ordering."

There is a special irony to Rehnquist's repudiation of "strict constructionism" given the rhetoric of the President who appointed him, just as there is irony in his willingness to use the judicial power to invalidate the work of Congress and thus engage in his own brand of judicial activism. But irony is not tantamount to error. After all, the Marshall Court (in its affirmation of nationalism) and the Warren Court (in its affirmation of equality) also repudiated strict constructionism and practiced judicial activism. Both would agree with Rehnquist when he argues that "the tacit postulates . . . are as much engraved in the fabric of the document as its express provisions, because without them the Constitution is denied force and often meaning." They would also agree with him that the task of the judiciary is to give expression to the values embodied in the Constitution, even if that means enforcing those values against the elected branches. The difference among these various Courts lies in the domain of substance. Rehnquist's goal is the affirmation of state autonomy, and the legitimacy of his enterprise will ultimately turn on his capacity to ground that value in the Constitution.

WHEN REHNQUIST speaks of being guided by the "tacit postulates" of the Constitution, he is referring neither to the needs of contemporary society nor to prevailing social morality—which he disparaging calls "the living Constitution." He is talking about the historical Constitution: historical imperatives derived from the understanding at Philadelphia. For Rehnquist the task of the Court is to look back to 1787 and to reconstruct the intent of the drafters of the Constitution. The epistemological and evidentiary problems of such an undertaking are staggering. But those problems do not disqualify Rehnquist's position. He can assert that the duty of the Supreme Court is to interpret the text and that the most authoritative source for such an interpretation, apart from the words on the parchment, is the original intent of the framers.

Admittedly, Rehnquist's historicism seems to operate in a peculiar way, in that he wishes to honor the Constitutional Convention of 1787 but not the judicial precedents that have been set since then. This use of history is at odds with the common law conception of the judicial craft, with its emphasis on precedent. But once again it is not idiosyncratic. The Marshall Court did not have the burden of precedent; the Warren Court often rejected it. The most plausible interpretation of *Brown* is that it simply repudiated *Plessy*, in an attempt to reflect a truer understanding of the Fourteenth Amendment. For the Warren Court, as for Rehnquist, precedent had less force than the framers' original understanding of the text they wrote.

But Rehnquist takes his devotion to history one step further. He is so determined to justify state autonomy that, besides giving a questionable historical reading of 1787 (he seems to confuse the Constitution with the Articles of Confederation), he ignores what has happened since—the Civil War, for example. And for good reason. The Civil War decided the issue of state autonomy. It denied the states what might be regarded as the one essential attribute of sovereignty—the right to withdraw from the Union. It affirmed the organic relationship between the states and the nation; it denied that the states have a "separate" and "independent" existence; it repudiated the doctrine of dual sovereignty, and located sovereignty in the nation. The Civil War Amendments were a codification of these understandings. They were not merely technical modifications to what Rehnquist claims to be the understanding at Philadelphia, corrections that assured all persons formal equality before the law. Rather, these amendments represent a second starting point, a basic change in the postulates of our constitutional system. Any appeal to history which ignores that is a sham.

THERE IS, HOWEVER, another way of understanding the idea of state autonomy, which may be the true source of its appeal. It arises from the romance with Jeffersonianism and the view that state autonomy is not an end in itself, but part of a larger system to protect liberty. (President Reagan also defends the transfer of power to the states, his new federalism, in the name of a higher value—democracy. The slogan is returning power to government that is closest to the people.) If Rehnquist's ideal of state autonomy is indeed in the service of liberty, we might be inclined to accept his revisionist reading of history. But is it?

The argument that it is rests on an identification of liberty with limited government: that which governs best, governs least. State government is assumed to be the best because it is the weakest and most limited. Those threatened by a state, so the argument must continue, always have the option of moving from one state to another. But this assumes that persons or groups threatened by one state can move to another; that other states will not be swept by similar urges of absolutism; and that the idea of the nation can persist in the face of diversity on the fundamental rights of citizens. One would have thought that this country had already learned the dangers of a house divided.

The argument from liberty also ignores the fact that today the states, and not the federal government, pose the greatest danger to liberty. If, as Rehnquist insists,

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the agencies of the central government, including Congress and the federal courts, are denied the power to protect basic rights and liberties (such as free speech, the right to be secure in our homes and persons, and the rights involved in *Pennhurst* and *Rizzo*) against threats by the states, then liberty is diminished, not enhanced.

STATE AUTONOMY occasionally produces surprising results. In one case, for example, Justice Rehnquist permitted the California State Supreme Court, acting under the state constitution, to require a shopping center owner to subordinate his property rights and allow leafleting on his property. This decision was an important victory for free speech (if you live in California), and is a credit to the consistency of Rehnquist's commitment to state autonomy. A liberal should be grateful for the result, but careful not to generalize from it. The more likely consequences of state autonomy can be seen in Rehnquist's willingness to sustain state censorship of allegedly obscene material and his refusal to set any limits on the process or substance of the criminal law administered by the states. For example, Rehnquist is not the least troubled by a Texas law that imposed a life sentence on an individual for obtaining $120.75 under false pretenses. (He accepted payment for repairing an air conditioner and never did the job.) True, the individual had been convicted twice before, for frauds of $80 and $28.36. But from the perspective of state autonomy, it is hard to see why these details matter. As Rehnquist noted with icy serenity: "Absent a constitutionally imposed uniformity inimical to traditional notions of federalism, some State will always bear the distinction of treating particular offenders more severely than any other State."

Such cases suggest that with respect to liberty, the value of state autonomy is neither neutrally chosen nor neutral in its likely outcome. On the whole, liberty will not be enhanced—unless liberty is reduced to property. Rehnquist prefers state autonomy because it is more consonant with classical laissez-faire theory which reduces the function of government to protecting private exchanges and the aim of the Constitution to protecting the rights and expectations of property holders. Laissez-faire is predicated on the sharp distinction between private and government actions. And Rehnquist insists in making this distinction, particularly to protect state action from the constraints of the Fourteenth Amendment. He refused to apply the Fourteenth Amendment to a utility company upon which Pennsylvania had conferred a local monopoly—on the theory that the company is not the State. He also refused to apply the amendment when Pennsylvania denied blacks equal protection by conferring a liquor license on a club that excludes blacks. Mere support for private sector discrimination is not enough for Rehnquist; the state must discriminate directly.

Another threat to laissez-faire in Rehnquist's view is the federal regulatory agencies. He has, for example, sought to impede the capacity of Congress to regulate business activities by objecting to its practice of delegating powers to administrative agencies (thus drawing on the expertise those agencies possess). Invoking a doctrine once used to stymie the New Deal, Rehnquist has argued that federal safety legislation is invalid because Congress gave the Secretary of Labor too much discretion. The statute directed the Secretary to make the work place as safe as "feasible," and Rehnquist sees the use of that word—commonplace in all regulatory measures—as excessive delegation.

Rehnquist seeks to transfer power from the federal government to the states because the states are principally concerned with preserving property and public order. But where the states threaten property, Rehnquist sometimes is prepared to sacrifice state autonomy, once again revealing his underlying ideology. He voted to invalidate a Minnesota statute requiring firms leaving the state to contribute to a pension fund for their former employees; he voted to invalidate a New Jersey statute allowing the Port Authority to use funds for purposes other than securing bonds; and he voted against a New York City law requiring that Grand Central Station be maintained as a landmark. The first two he saw as impairing the obligations of contract and the third as breaching the constitutional duty of the state not to take property (from the owners of Grand Central) without just compensation.

REHNQUIST THUS uses state autonomy less to promote liberty than to promote property. He also uses it to repudiate the central value promoted by the Warren Court—equality. The Warren Court's belief in equality led it to take a critical view of the status quo and of existing distinctions of power and privilege. It saw government power not as a necessary evil to be tolerated, but as an important instrument for fully realizing the values embodied in the Constitution. State autonomy was not itself an ideal, but only a technique of administration. The function of government was not to be a night watchman, controlling disruptions of the status quo, but to guarantee the very conditions of freedom, to abolish caste, and to provide equal protection for all citizens.

That vision is receding, most obviously in President Reagan's attempt to dismantle federal institutions and to leave the dispensation of rights and privileges in the hands of the states. Reagan's new federalism will meet stiff opposition, and possibly ultimate defeat, in Congress. But while that epic battle is fought on page one, a somewhat quieter, steadier, and more lasting erosion of federal power and the values it serves is taking place on the Supreme Court. Reagan may be running out of time and prestige to carry out his antebellum vision of federalism. Rehnquist appears to have plenty of both.

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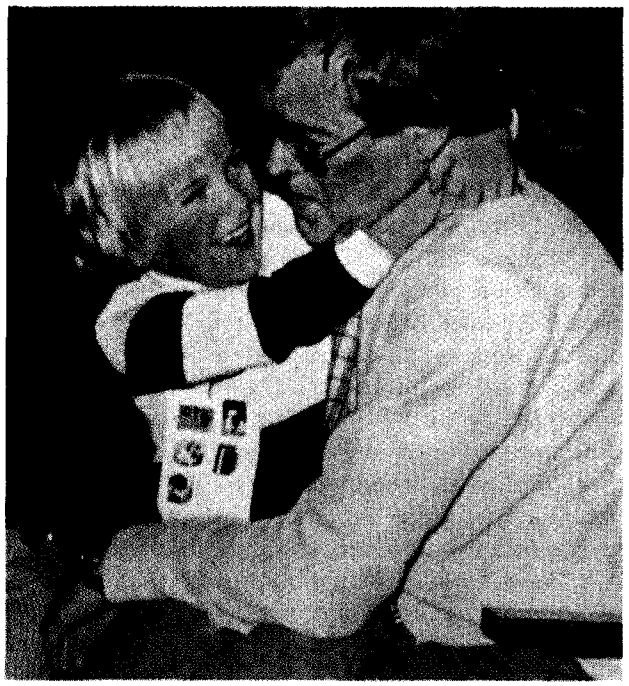
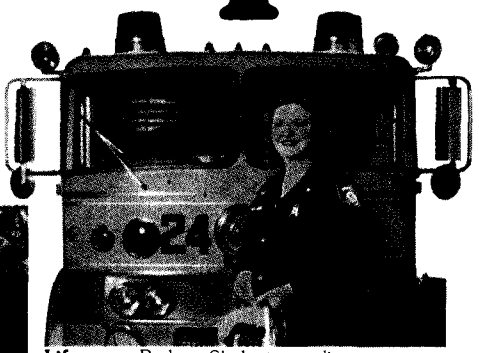


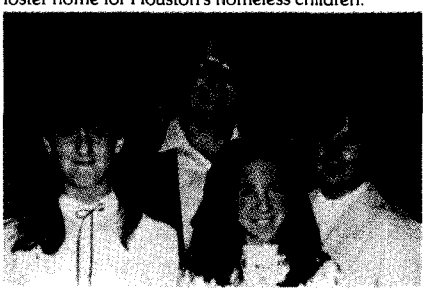
Helper of the handicapped. Ad Demmers of Holland helps handicapped children and their parents.

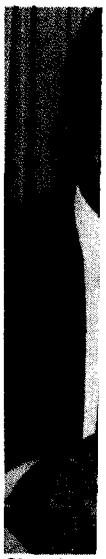
Nature preserver. Erwin Kempf volunteers 15 to 20 hours a week as an auxiliary gamekeeper in Neuchatel, Switzerland.



Life saver. Barbara Skolaut saves lives and property for the Manchester (Virginia) Volunteer Fire Department.

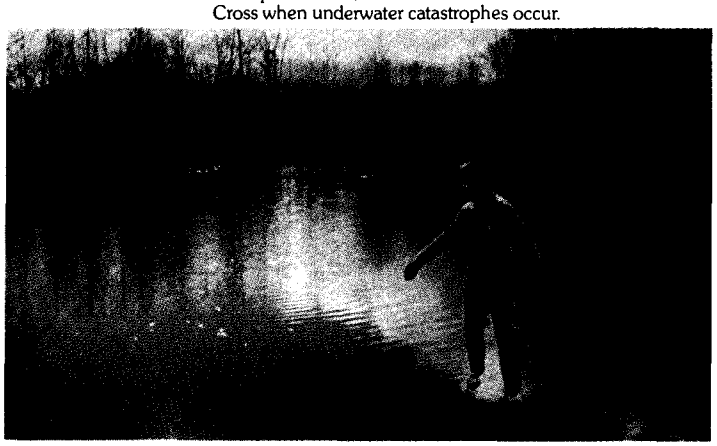
Home providers. Mike Gay and his wife Anita thought about adoption, decided they could help more children by volunteering to provide a foster home for Houston's homeless children.



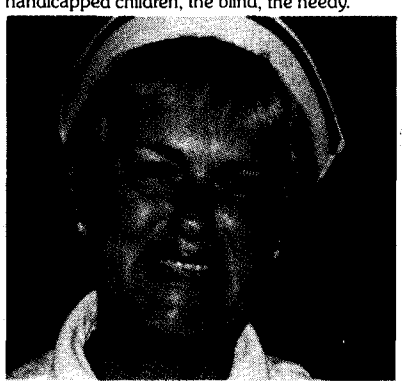


Church wo Fox joined t works sever as a church volunteer ir

Rescuer. In Germany, Alfons Thomann works as an unpaid volunteer diver for the Bavarian Red Cross when underwater catastrophes occur.



Fund raiser. Irene Pitcock gives her time to the American Legion Ladies Auxiliary in Louisville raising funds through bake sales, picnics and bingo games for hospitals, handicapped children, the blind, the needy.



Teenagers' friend. Joyce Cranon works with disadvantaged youngsters in St. Louis, Mo. to help the teenagers realize their full potential.

Beauty restorer. Nora Kennington works to restore neglected gardens in N.Y.'s Central Park.

On-the-spot Samaritan. As a volunteer for the Milwaukee Red Cross, Dale Clark brings his emergency services van right to the scene to aid victims of fires and other disasters.

Food provider. Manuel Jaquez helped found a cooperative supermarket that provides his Dominican Republic community with quality food at reasonable prices.

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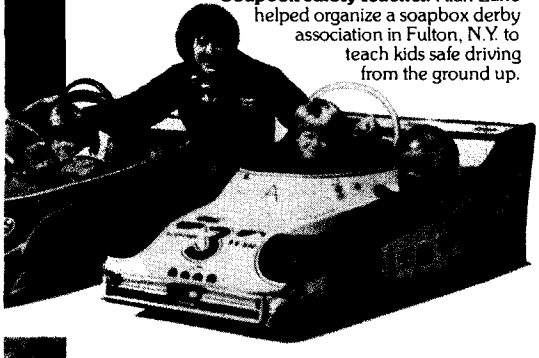
o good things.

MS angels. In Melbourne, Australia, Shirley Delamott, Pat Kein and Heiltje Grieve raised over $6,000 for the Multiple Sclerosis Society with picnics, a movie and supper evening, plant and recipe book sales and raffles.

Animal protector. Last year Debbie Goik helped over 100 injured or neglected animals as a volunteer for the Humane Society in Livingston, Michigan.

Soapbox safety teacher. Alan Lane helped organize a soapbox derby association in Fulton, N.Y. to teach kids safe driving from the ground up.



Aid organizer. S.K. Patankar donates his time to the Bombay Lions Club to help raise funds and organize aid to the elderly, handicapped and blind.

The good people you see at left are (as they would be the first to tell you) just a sampling of the thousands of people within our Philip Morris family who work as volunteers in our hometowns around the world.

They look quite ordinary; and they are, in reality, quite extraordinary. They work hard for a living, and then, in their off-time, they work hard for nothing. They want to help those who are less fortunate than themselves, and in doing so, they help all of us. For the hard fact is that without these good people, our societies and our lives would be a lot less liveable.

And the delightful fact is this: Every man and woman you see here testifies that the volunteer work they do is "fun," "enjoyable," "rewarding."

They also say "It's easy to get started." Right now you can probably think of some school, library, hospital or church—or some service, cultural or community group—that would love to have you pick up the phone and offer your help for maybe an hour or two a week.

We think you will. After all, good people do good things. And you wouldn't have read this far if you weren't a pretty good person yourself.

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STANLEY KAUFFMANN ON FILMS

What's Missing is Costa-Gavras

Because of the brouhaha about *Missing*, reviewed here three weeks ago, further comment seems needed. This new film by Costa-Gavras, his first American production, deals with a true story: the murder of a young American named Charles Horman in Santiago, Chile, during the anti-Allende coup in September 1973—though neither Allende nor the country is named—and the investigation by Horman's father, Edmund, which convinced him that the U.S. Embassy was implicated in his son's death. *Missing* has so exercised the State Department that, even before it opened, they issued a statement "objecting to the impression left by the film that the United States had contrived in the death, or had at least covered up events surrounding the case" (*New York Times*, February 10). Flora Lewis wrote a long article for the Arts and Leisure section of the *New York Times* (February 7) investigating the materials, and she concluded that Costa-Gavras "winds up distorting fact without even noticing." Alexander Cockburn (*Village Voice*, February 10-16) sniffed suspiciously at Lewis's article and reported that Seymour Hersh, whom Lewis had quoted, is writing a book about Kissinger with new information about the rightist coup. More debate will doubtless follow. As prelude to their arguments, both Lewis and Cockburn praised the film cinematically. Lewis: "Tautly well-made and convincing"; Cockburn: "Powerful." I disagree vehemently with these opinions of *Missing*, and my disagreement is not abstractly aesthetic: it's tied to what this film is supposed to be convincing and powerful *about*.

Missing
(Universal)

Tragedy of a Ridiculous Man
(Warner Brothers)

I have no "new information." I'm talking only about what's in the script written by Costa-Gavras and Donald Stewart, based on a book by Thomas Hauser. I've seen the film again: I not only disagree about its conviction and power, I think it's the weakest of Costa-Gavras's political films, a very Hollywood work of daring, and that the outcry about it, to different ends from different sources, says more about the sources than about the film.

Two issues are involved. First, was the U.S. involved militarily in the coup? About American involvement before the 1973 coup, the public record is plain: President Nixon and friends tried to provoke a coup to prevent Allende's election in 1970 and, failing there, funneled funds to anti-Allende parties and their media. About American military involvement in the 1973 overthrow, there is—as yet—no official evidence. But the Costa-Gavras film *shows* such involvement. Young Horman and a friend were in a coastal resort in September 1973 when the coup began, and, according to his notes, he saw and heard evidence of U.S. military presence. A film called *The Battle of Chile* (TNR, January 21, 1978), a documentary made by Allende partisans during the last ten months of his regime, showed much of the bloody fighting and, on its soundtrack, made allegations about CIA infiltration. *Missing* doesn't allege: it uses Horman's notes, which have not been challenged and whose materials his friend also witnessed, to show us a U.S. Army officer walking around the crowded seaside hotel in full uniform and confiding in Horman just because he was a fellow American: to show a plainclothes Navy operative volunteering information to Horman in the hotel bar, bragging that he had come there to do a job, had done it, and was now moving on to Bolivia. Dozens of people were nearby all through these scenes. If this was supposed to be a secret U.S. military operation, it was done at the Marx Brothers level.

The second and, for the film, the more important issue: did the U.S. have a hand, or did it withhold a deterring hand, in the arrest and execution of Horman? To speak only of what's in *Missing*, absolutely no credible motive for such drastic action, or inaction, is given. What Horman saw and heard at the coastal hotel was also seen and heard by his friend, who was unharmed and was allowed to return to the U.S. some days later. What Horman saw and heard was also seen and heard by dozens of others who were presumably not molested. Horman's only difference was that he was connected with a Santiago magazine that is said to be about as leftist as the *New York Post*. But his friend, who was allowed to leave, was a member of that magazine "circle." (We are shown the arrest and the dead body of another American member of that magazine staff, but he had not been at the coastal hotel! The film contains nothing much about this man's activities and no investigation into his killing.) To one viewer, it seems entirely possible that Horman was arrested and executed during the coup in one of those jittery accidents that occur in frenzied times. It seems entirely possible that the new junta tried to conceal his death to prevent embarrassment. (To

FILMS WORTH SEEING

Chariots of Fire. Two (real-life) runners on the British Olympic team, 1924. Well written, beautifully acted, exciting, finally sad.

My Dinner With André. Carefully rehearsed, seemingly impromptu table talk between a playwright and a director, about much more than the theater. Surprisingly fascinating.

Reds. Warren Beatty and Diane Keaton as John Reed and Louise Bryant. Plenty of faults (including some minor fabrication), but, most of the time, propelled with headlong drive.

Sisters, or The Balance of Happiness. Two Hamburg sisters and their differing loves for each other rendered into an exquisite film. Perfectly made, ultimately a touch ambiguous, like many good poems.

SK

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repeat: the other American's body is *displayed* in the huge morgue, but—in the film—this causes no American protest or inquiry.)

How does Costa-Gavras imply U.S. involvement in Horman's death? The embassy staff is shown to be smooth and cool. (Easy laughs from a hip audience here.) The top military attaché is shown to be lecherous. (Therefore a conspirator in murder?) Absolutely nothing is shown to explain why the staff should have wanted Horman's death (out of all the witnesses at that silly coastal hotel exhibition) or why they should have concealed the fact of his death from his father if they had known it. It takes several weeks for Edmund Horman to hear that his son had been killed earlier in the month, before the father had even arrived in Santiago. He hears about it from a Ford Foundation economist who heard it from a friend in "an English-speaking embassy." The U.S. Embassy investigates (the method is undisclosed) and confirms the death. The father then says angrily that the killing couldn't have been done without a "kill order" from our embassy, but his grief and rage hardly constitute proof.

The one thread of "proof" is the statement by an ex-policeman of the new regime, who quit the junta after two weeks and is now a refugee in the Italian Embassy. He says that he served as interpreter at a meeting in the office of the general who was the Chilean equivalent of CIA chief when it was decided to kill young Horman, and that an American official took part in the decision. (To step outside the film for a moment: Lewis reports that this policeman later said he knew the official was American by his shoes.)

MY PURPOSE HERE is not to exculpate the U.S.: it's to indict Costa-Gavras. His picture is a mixture of caution and irresponsibility. He cautiously names nothing and no one precisely; he glibly implies deep guilt, making empty heroic gestures of protest without foundation and without risk. It's thus a perfect Hollywood liberal picture, playing to a gallery of trained seals and to another gallery of the gullible, for the happiest kind of Hollywood profit—big returns plus big ego-satisfactions. The glib implications of black guilt are especially exasperating to those like myself who, having no innocence about the need for secret operations by every big power, would like to see such guilt confirmed and punished. And since this uproar about *Missing* has started, Costa-Gavras's statements have paralleled his film: they've been paradigms of caution-cum-irresponsibility.

For me, those qualities are integrated with, the cause of, the surprising softness of the picture itself. (Shootings and corpses don't automatically make a picture grim and hard.) When Costa-Gavras was working with fervor and with facts—as in *Z* and *The Confession*, which were set in Greece and Czechoslovakia, not Fredonia—his films were made with an almost religious sense of vocation, with a hatred of sentimentality, with blaze. (Think, for instance, of the system of montage he worked out for Yves Montand's imprisonment in *The Confession*, which provided the film both with dynamics and with a counterpoint to the prisoner's refusal to change.) In *Missing* we get cute stuff (a little boy coming up to Horman's house to ask his wife about a pet duck); we get puffed-up quarrels between her and her father-in-law in an attempt to give the picture moment-to-moment edge; and we get that nadir of cinematic imagery, the riderless white horse galloping across the screen. (Inconceivable in *Z*.)

Missing is the roar of a well-fed tame tiger who once really attacked the system that is now feeding him.

None of his previous, stronger films aroused comparable controversy because they weren't widely distributed here: they weren't in English and they had no American stars. In 1973 *State of Siege*, about the murder of a U.S. official in Uruguay, was eliminated from a program at the Kennedy Center, but that's about all the trouble it caused. Wry note: the location shots of that film were done in Chile, under Allende. (The location shots of *Missing* were done in Mexico.) This new film will be seen widely. It's tickling the gleeful assumptions of some and the choleric nervousness of others; and both groups, eager to get on to their glee or their choler, overpraise the picture as such, unwilling or unable to see how its defects fail to justify either of their views.

Political terrorism gets a very different twist, languid and arty, in Bernardo Bertolucci's *Tragedy of a Ridiculous Man*. Kidnappers take the son (in his twenties) of a wealthy Italian couple, well enough played by Ugo Tognazzi and Anouk Aimée. And Bertolucci's script has a bit-

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Penny Lernoux

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ter point. At least I think it has: he does his best to obscure it with cinematic attitudinizing.

The kidnappers, who apparently (I'm not entirely sure) include the son's girl friend, ask for a huge ransom. Then word comes to Tognazzi that his son is dead. He and Aimée have already started to raise the ransom money, but the kidnappers, knowing his bourgeois mind, foresee that he will keep on raising the money, will pretend to pass it to the kidnappers but will really invest it in his cheese factory—an investment he needs and can't obtain by the usual means. But the son is not dead; he returns, and the money is kept by the kidnappers.

The moment when Tognazzi meets his son again could have had terrible irony, but Bertolucci flattens it. He has fiddled and dilated at such length—including ostentatious sex play between father and son's girl—that all points have been dulled by the end. The ace film about a rich man and a kidnapping is still Kurosawa's *High and Low*. Kurosawa, unlike Bertolucci, knows that art is something you do, not something you paste on what you're doing.

ROBERT BRUSTEIN ON THEATER

Encouragement from Broadway

Variety is dour these days about Broadway, largely because of its disappointing box office, but the commercial theater is no worse off today than in other recent years. It may even be improving. Once you begin to employ other standards than attendance figures, the signs get more encouraging. This season, for example, Broadway has been uncharacteristically hospitable to original American plays of a relatively serious nature; *Crimes of the Heart*, *Mass Appeal*, *Curse of an Aching Heart*, and *Grownups* are examples. Although Broadway's risk-taking does not extend to producing such material before it has been thoroughly tested elsewhere, the venture capital invested in such works is hardly expected to guarantee golden successes. Here's more evidence. After more than a decade with virtually no Shakespeare plays on Broadway (the exception was Al Pacino's *Richard III*), the commercial theater is now offering two in a single season.

Othello
by William Shakespeare

The first is Nicol Williamson's unfortunate *Macbeth* at Circle in the Square ("Heartaches and Gas Pains," TNR, February 24); the second is the American Shakespeare Festival production of *Othello*, now playing at the Winter Garden. Originating in Stratford last summer, this *Othello* took to the road for a few months where it was accompanied by rumors of discord in the ranks of the company. James Earl Jones ran through as many Desdemonas as Williamson did Lady Macbeths (three), and, in a candid Boston interview, announced that he had invited Zoe Caldwell to advise the production because of his dissatisfaction with the director, Peter Coe.

There is no way to assess the extent of Miss Caldwell's contribution (Coe's name has remained on the program), but to her credit the production gives no evidence whatever of divided focus or warring points of view. It enjoys a unity of style, a clarity of intention, unusual for a pickup cast, and it has been directed with admirable attention to concrete detail. Conceptually, this *Othello* is a romantic, heroic spectacle of the kind associated with visiting English war-horse companies in the 1950s—no sign here of the visual advances developed later by the Royal Shakespeare Company or the National Theater at the Old Vic. Canopies of bronze and tarnished gold are languorously draped in the huge proscenium opening of the theater, while most of the principals are languorously draped in rich velvets, ermine, and brocades. In the storm scene, the lighting designer projects swirling clouds on the cyclorama, with thunder and lightning crackling through the dialogue.

What makes the production modern is the Iago of Christopher Plummer. Much praise has been lavished on this performance; it is thoroughly deserved. Plummer has fashioned a meticulous pointillist portrait of exultant evil—cold, crafty, intelligent, and, at every moment, completely unexpected. It is a wonder that such a well-planned performance can at the same time seem so fresh, so apparently improvised. Plummer confirms that the art of acting lies in the illusion of immediacy. For the first time, an actor managed to convince me of what I had always believed as a reader—that Iago is the true author of Othello's play.

PLUMMER'S CHOICES are all calculated to illustrate he is a man apart. Othello makes an entrance in a suit of magnificent Renaissance armor, and Desdemona, looking as if she is wearing the flag of New York City, comes on in a sumptuous orange and blue gown, but Iago is dressed in leather and linsey-woolsey, with a pair of boots that have seen the road. The others, in short, wear costumes; he wears clothes. His hair short-cropped, his lip sporting a mean corsair moustache, Plummer's Iago is genuinely dangerous, and he uses a voice that snaps through the house like a whip. His cruelty is so surprising it often becomes comedy. A number of black people attending the performance I saw responded to Iago's racism ("Even now . . . an old black ram is tupping your white ewe") first with angry murmurs, then with astonished laughter.

Plummer falls into none of the traps available to Iago—he is neither motiveless nor easily understood. Capable of acting the warm friend and witty companion, he is vicious to his wife, Emilia, pushing her away with a brutal shove on her chest, and he displays a coruscating hatred for Othello that seems to bubble up from molten depths. Plummer can make a word such as "enmesh" sound like a verbal picture, involving both entrapment and secrecy (shh). He spits, minces, does fag bits; his hatred of sex knows no gender. When at the end Othello runs his sword into Iago's groin, he has destroyed his least essential part.

Nothing else in the production is equal to this performance, but nothing is diminished by it either; the other actors have been positively influenced by Plummer's genius for making specific choices. Unlike Plummer's Iago, however, James Earl Jones's Othello is not a definitive reading. Jones often

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brings immense dignity to his interpretation, but sometimes his dignity is mannered, worn like a costume, and although he enjoys unusual moments, he cannot always ascend the high peaks of the role. Grizzled and barrel-chested, Jones has elected to use a basso profundo which gives him authority, but not much emotional range; he seems to work from his rib cage rather than his heart. Since his vocal delivery is limited, he is convincing mainly when he can make use of physical movement —when he falls into an epileptic fit, quivering in a spastic state, when he pounds his chest with his fists, crying "blood, blood, blood," when he illustrates "goats and monkeys" by grabbing his crotch and engaging in lascivious copulative motions, when he opens the bedroom door with a vicious backward kick of his foot. Jones has an odd habit of doing circular walks around the length of the stage when agitated, meanwhile racing through his more hyperbolic speeches in toneless haste; this gives him the impression of running away from the part. He fails to harrow us with his rages and torments. But if he rarely stimulates terror, he knows how to evoke pity, particularly for the insecurity an aging black man might feel over the love of a young white girl. And he passes Othello's greatest test; he manages to keep us hoping, despite our familiarity with the play, that something may yet prevent this tragedy from happening.

DESDEMONA—or Desde*mun* as Jones often calls her—is played by Diane Weist in a manner suggesting that all of her energy and concentration are being absorbed in an effort to simulate innocence. She speaks her lines, at all events, with a labored emphasis usually associated with instruction in lipreading, or teaching English as a foreign language. Miss Weist is an attractive woman and a powerful actress, but the passive, virtuous, all-suffering Desdemona is a part that must be inhabited rather than impersonated—which may be why it is so difficult to cast in an age of women's liberation.

The rest of the playing is generally accomplished—Aideen O'Kelly's playful and sympathetic Emilia; Kelsey Grammer's golden but hot-tempered Cassio; Graeme Campbell's gullible Roderigo; David Sabin's splenetic Brabanti—with only a few minor parts falling below a consistent level of professionalism. Without Plummer, this would be a creditable interpretation of the play, one which rarely falls into bombast or conventionality, one which makes you listen to every line as if it had been freshly written. But it is Plummer who helps the production achieve its moments of greatness—Plummer with his Henry Wilcoxen profile and baleful eye, his audacious high jinks, his gift for the unexpected, his lacerating irony. After years of promise interrupted by years of pedestrian parts in bad movies, a great classical actor has emerged into our midst. Now the only question is how, when, where, and in whose company does he get to play all the great classical roles.

How the Met manages without great voices.

A Day At The Opera

By David Denby

On a single Saturday early in January, I attended both the matinee and evening performances of the Metropolitan Opera. And so, within a few hours, I saw, in one production, a real kitchen sink, real bread, and two hundred eighty bonneted and cloaked extras punctiliously nodding, gesturing, and bowing, and in the other, singing actors in modern evening dress, their faces covered with masks, standing nearly motionless on a depthless set. In one, 19th-century spectacle and "psychology"; in the other, 20th-century artifice and ritual. Both were new productions—Puccini's *La Bohème*, designed and directed by Franco Zeffirelli, international master of sumptuous and redundant "realism"; and a triple bill of Stravinsky pieces—*Le Sacre du Printemps*, the short opera *Le Rossignol*, and the opera-oratorio *Oedipus Rex*—all three designed in exquisite shades of blue by David Hockney and directed by John Dexter. The Zeffirelli *Bohème*, its sets oohed and ahhed by the audience in every act, was a kind of kitsch triumph; the Hockney/Dexter *Stravinsky*, received with moderate enthusiasm, was a genuine triumph. The pathos of this contrast was very strong.

The greatest performing arts organization in the country is also, in some ways, the most heartbreaking. I've been going to the Met for over twenty years, and in that time I've never heard so much antagonism during the intermissions, or around town the morning after. The gap between what the house would like to deliver and what it actually delivers can be embarrassing, but even when the company puts together a smashing evening, such as that Stravinsky triple bill, a sizable part of the audience wants something else. What it wants, of course, are big, beautiful voices, and the lack of such voices has led more than one New York music critic to lament "the death of opera." A well-known classical-record producer said to me, "As far as I'm concerned, they can tear the Met down. I never go there any more."

Frequently one hears longing for the good old days of the Bing regime. But how good were they? During the twenty-two years (1950–72) that Rudolf Bing was general manager, the company could boast of such triumphs as the revival of *Don Carlo*, the Eugene Berman designs for *Don Giovanni*, the Schneider-Siemssen *Tristan und Isolde*. Yet the Met also served up such pastry puffs as Flotow's *Martha*, Cilèa's *Adriana Lecouvreur*, Johann Strauss's *The Gypsy Baron*, and Shostakovich's incomparably vulgar re-orchestration of Mussorgsky's masterpiece, *Boris Godunov*—works that had no business on the company's stage. Typically, a "good night" at Bing's Met featured glorious voices cast adrift in productions that were indifferently designed, stiffly acted, and slackly conducted. It was a mediocre but sinfully enjoyable house—a house ideally suited for those vociferous young men who become sentimentally attached to this or that soprano, often long after the soprano had lost the abilities that had made her famous. With a little money, you could compare the Tosca of three famous singers in a single season—if

David Denby is film critic for *New York* magazine.

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that was your idea of a good time.

The slightly fraudulent, even squalid, glamour of those years can be readily summoned up by dipping into Bing's two books of memoirs, the supremely nasty *5000 Nights at the Opera* (Doubleday, 1972), and the recently published *A Knight at the Opera* (Putnam's, $14.95). The tall, lean, aristocratic Sir Rudolf, who comes off in his own books as the type of haughty European stooge that the Marx Brothers used to carve up for dinner, hands out compliments to his cronies, flunkies, and spies, settles scores with old enemies (some of whom, not coincidentally, were among the best performers of the time, including Jussi Bjoerling, Maria Callas, Fritz Reiner, and George Szell), boasts of his triumphs, explains away most of his errors, and subtly puts the hex on his successors.

BING MAY HAVE controlled singers and conductors with his riding-crop wit, but he was timid in ways that mattered: he gave up on *Wozzeck* and *The Rake's Progress* after some poorly attended performances, and apart from *Peter Grimes* he mounted no other modern works of consequence. The Met that has been principally shaped the last six seasons by music director James Levine (with John Dexter serving the first five years as director of production) has put the Bing house to shame in a variety of ways. Levine, 38, already one of the world's great opera conductors, has brought the chorus and orchestra up to the highest international standards; stage lighting and acting have improved to the point at which the Met has become one of the more interesting *theaters* in New York; the repertory has been enlarged to take in such modern classics as *Lulu*, *Dialogues of the Carmelites*, *Billy Budd*, *The Rise and Fall of the City of Mahagonny*, and others.

The press has been generally favorable, but judging by the applause in the house and overheard comments, Met subscribers in general are incapable of telling the difference between the rhythmically vital, powerfully dramatic work of Levine and, say, the technically proficient but slack conducting of Erich Leinsdorf. Pudgy, short, and ebullient, Levine exudes a happy enjoyment of his power that causes people to patronize his youth and lament his grip on the company's musical life; he isn't glamorous or European or old, and the house isn't filled with great singers the way it used to be, so how can he be good? Actually, if you listen carefully to his work, you know that he's a remarkably self-critical artist. When a new undertaking doesn't go well at first, faults tend to be corrected at later performances. Last winter's revival of *Tristan und Isolde*, for instance, ill-judged in tempo and uncertain in sonority in the first few performances, grew in coherence and power by the time the opera was broadcast.

What could not be improved, however, were the singers cast in the leads (Spas Wenkoff and Gwyneth Jones at first, Richard Cassilly and Roberta Knie later on), and therein lies the tragedy of the Levine regime. And perhaps of grand opera everywhere. For as all the world knows, the big, beautiful voices aren't around any more in sizable numbers, which means that some of the greatest works have become virtually uncastable at a house with high standards. For the moment, the Met has apparently given up on *Aida* and *Carmen*; until Placido Domingo gets ready to risk a dangerous thickening of his voice, the house may have to give up on *Tristan* too.

"The further away we get from the period in which these pieces were written," Levine has said, "the fewer singers we seem to have with the purely vocal equipment to do the job. But I'm hoping that proper training will turn the situation around." Meanwhile, the suspicion grows in certain quarters that Levine had no choice—he *had* to transform the Met, opening up the repertory and overhauling the theatrical side of the house's work, because the shortage of voices gave him no other cards to play. Of course there's no way he could admit this without seeming to denigrate the singers on the current roster; we'll have to wait for *his* memoirs to find out.

If the Zeffirelli *Bohème* and the Stravinsky triple bill can be taken as examples, respectively, of a dying tradition and a new concept of an evening's entertainment at the opera house, I wouldn't unfurl the black crepe for what's dying. Zeffirelli may be regarded very seriously in London and Milan as an opera director, but he seems fundamentally confused to me. In an interview published in the January 16 *Opera News*, he speaks of raising $10 million-$15 million in order to shoot a movie version of *Aida* in the pyramids—the *actual* pyramids. This conjures up sun-bleached visions of dubbed singers trudging through the sand while the cameraman desperately tries to find an angle from which to shoot. How do you get it all in? This ineffably cultivated man, whose opera productions have the superfluous detail of bad movies and whose cinematic work has the overlit gauziness of bad opera productions, should be sent to a monastery for lessons in austerity. His quest for greater "realism," which is of dubious value in opera, leads him to mount ever more elaborate spectacles.

IN THE MET'S *Bohème*, he reduced Rodolfo's garret to a small portion of the stage, setting it up high, off to the left, and well back from the proscenium—one saw Paris rooftops, spires, and smoking chimneys around the little room. In the same spirit of urban display, the Café Momus, in the Act II Latin Quarter set, was hunkered down low and nearly covered by a platform that extended back into a city square and further back into additional streets ending somewhere near the Pantheon. As the principals down front tried to make themselves heard, nearly three hundred persons shuffled noisily across the upper part of the set, gesturing with their hands, turning in and out of shops, trying on clothing, and peering at birds held aloft in cages. The thought of Zeffirelli and his assistants blocking out and rehearsing the movements of these three hundred dummies is enough to reduce one to despair. "This new conception," says the master,

> brings out the fragility of the Bohemian group as against the large, gray French capital. . . . I want to underline the helplessness and humanity of these nice young people lost in the large city.

But Puccini's opera is not about modern anomie or people lost in the vast gray city—these are contemporary cli-

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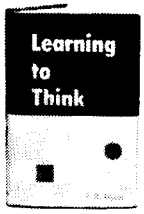
By E. R. Emmett



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chés imposed on a story that actually celebrates a circle of friends who make a little community of their own. The opera is about different kinds of love, passionate and casual, the gaiety and recklessness of the Bohemian milieu, the way Mimi's longing for beauty and friendship breaks through her physical weakness—all tender and intimate emotions that Puccini has created in a score by turns jaunty, charming, and cloyingly sweet. And one is only distanced from those emotions by a production that emphasizes the impersonality of the vast, gray city.

Her large voice bursting forth from a slender, seemingly slight body, Teresa Stratas, as Mimi, looked pale, almost cadaverous, with dark circles under her eyes and nervous fumbling hands. Stratas, who can come close to the best Mimis of the Bing regime (Licia Albanese and Victoria de Los Angeles), is a superior actress who fulfills Zeffirelli's ideal of psychological realism in opera acting. When you could actually see her, she almost made this crazy *Aida*-sized *Bohème* work. But the other principals—Jose Carreras as Rodolfo and Renato Scotto as Musetta—have become indirect casualties of the star singer shortage. Carreras has sung too much, taking on roles that are wrong for him at this stage of his career, like Radames in *Aida*, and his voice has grown thick and bleaty, while Scotto, now tremulous, sharp, and hooty in her upper range, gave an aging star's all-out performance, flinging her décolletage at men's faces, raising her petticoats and shrieking. Your heart may have gone out to her, because she's trying desperately to hold on to the audience's affection, but she doesn't really belong on that stage any more.

IF ZEFFIRELLI'S grandiose "realism" distanced the spectator from the intimate emotions of Puccini's music, the formality and studied artifice of the Dexter-Hockney production brought one closer to the spirit of Stravinsky's scores. The production's theme was masks. The masks were everywhere—painted in circles on an immense black curtain hanging around the back of the stage through all three pieces; worn over the faces of the blue-robed Emperor's courtiers in *Le Rossignol*; carved in white and held over the singer's heads by dress-suited assistants in *Oedipus Rex*. The mask, of course, is the perfect emblem for Stravinsky, the master suborner of the romantic cult of sincerity, the composer who reconstituted himself, over and over again, in first one style and then another. If we're no longer bothered, as critics of the 1920s and 1930s were, by Stravinsky's "borrowings," that may be because we take greater pleasure in looking at his masks than in staring directly into the face of, say, Schoenberg. We enjoy watching Stravinsky *make* something.

"I want the masks to do the work," John Dexter said in an interview. "Acceptance of the mask must become part of the performance." Indeed, the masks did do the work, and it was only when the people behind them became inescapably present that the show faltered. In its entire concert life, *Le Sacre du Printemps* has conceivably never been used as a curtain-raiser. Yet its position as first on the bill at the Met actually prevented an embarrassing anticlimax. Once again, the world's most exciting dance music proved undanceable. Jean-Pierre Bonnefous's choreography, with its buckskinned Pocahantas girls wav-

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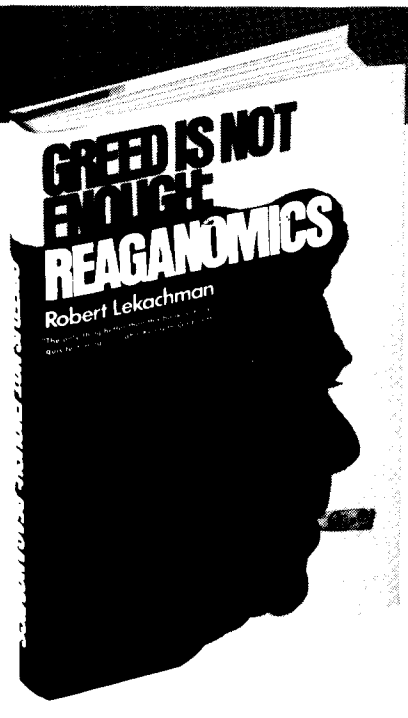

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ing their arms or jerking their legs abruptly, like precision placekickers, proved about as pagan and erotic an occasion as folk night at the Buck's Rock Work Camp in wildest Connecticut. The most energetic element in the spectacle was James Levine, perched higher than usual in a raised pit, leading the Met orchestra (augmented for the occasion) in a performance remarkable for the coloring of the strings and the precision and balance of the brass chords—a performance worthy of a major symphony orchestra.

The rest of the evening was unequivocally brilliant. In *Le Rossignol*, based on the Hans Christian Andersen fairy tale about a nightingale restoring the dying Emperor of China to life, two great dancers—Natalia Makarova as the nightingale, Anthony Dowell as the fisherman who understands the power of the nightingale's song—performed a series of conventional but satisfying *pas de deux*. Frederick Ashton's choreography integrated the dancing into the stage action. As they danced, the music written for the nightingale and fisherman was sung by a soprano and tenor standing in the pit. "Was it opera or ballet?" I heard someone ask in the lobby at intermission. Principally, it was opera—indeed the dancing offered a dazzlingly paradoxical testament to the power of music. The nightingale and the fisherman, the one a pure incarnation of song, the other devoted to it, are ennobled by music—and so, they'd *dance*. Just as singing in an opera is normally the way of expressing emotions too powerful for speech, dancing in this opera becomes a way of expressing emotions too powerful for song.

THE FINAL PIECE, *Oedipus Rex*, is one of Stravinsky's greatest scores, yet it has never caught on. Cocteau wrote the text, which consists of a French spoken narration, recounting the familiar Oedipus legend at the beginning of each section, and then Latin words for the arias and choruses. The mixture of languages and of spoken and sung words seem to strike many people as insufferably arty—both condescending and chic. And the usual complaint against the music is that it is "dry." One knows what is meant: Stravinsky has composed large blocks of declamation and choral chanting that have relatively little harmonic movement or color, and he gives us nothing resembling a conventional dramatic climax; we seem to end, musically, exactly where we began. But dramatic development is not the point of this particular piece. The story, overwhelming in its cruelty, its harsh, archaic grandeur, is *known*—the narrator lays it out for us, eliminating all possibility of surprise. Stravinsky wants us to concentrate on the meaning of the legend, not the events themselves. The tableau-style presentation, hieratic, severe, almost solemn, forces our contemplation of Oedipus's moral blindness, his egotism, and his guilt. That guilt keeps gnawing away at him, and the repeated *ostinato* figures in the choral line, insinuating, inescapable, bring it closer, until the audience feels implicated too. It's a score of great power—the impassioned arias evoke the Verdi who wrote *Don Carlo*.

The Hockney/Dexter production stayed close to the general strategy for *Oedipus Rex* established by Stravinsky and Cocteau in 1927, a strategy also followed in the 1930 staging in New York designed by Robert Edmond Jones. Physical movement was kept to a bare minimum, so that every small change of position became portentous. The masks held over the singer's heads were placed over their faces only when they had something to sing. Passing from a high platform down through a triangular portal cut in a flat, round disc, the singers moved to a lower platform, sang their arias, and then returned to their seats higher up; the assistant then removed the masks. In other words, the performer contemplates the story as a spectator, momentarily becomes a participant, and then returns to his spectator's role. And once one accepted these conventions, one was not merely pulled in to the emotions of the old legend, one was commanded by them—commanded as one rarely is by a singer acting, in costume, with "psychological realism."

The Met's Stravinsky triple bill (two-thirds of it at least) gave pleasure by drawing attention to the expressive means of the art work itself. Fifty-year-old modernist strategies over may no longer mean much in the art gallery or off Broadway, but on the stage of the Met they can rouse a complacent audience from its stupor. If people could relinquish for a while their fantasies of the perfect *Tosca*, they might even enjoy themselves.

THE REVISED VERSION

Why We Were in Vietnam by Norman Podhoretz

(Simon and Schuster, 256 pp., $14.50)

Norman Podhoretz likes to be the fugleman of the latest political revelation. For this reason, his reconsideration of the Vietnam War may be an awful portent. It could be the signal for a corrosive campaign to reopen the wounds of the war and envenom American political life once again. We may not even be spared an American stab-in-the-back legend of the kind that haunted the German Weimar Republic during the 1920s.

Podhoretz's research is almost exclusively research into books by other people. Paragraph after paragraph is constructed out of quotations and citations, fourteen of them from my own *Abuse of Power*. His book thus comes out as potted history—but potted for a purpose. It is the purpose that makes the book worth more than cursory notice.

As a potted historian, however, Podhoretz leaves much to be desired. It is a thankless task to correct an author's mistakes, for they take longer to correct than to make. An example will show what I mean. It concerns so fundamental a matter as the Tonkin Gulf resolution of August 1964. If Podhoretz after almost eighteen years can still twist it to mean what it was never intended to mean, the time has again come to set the record straight.

Former Senator J. William Fulbright, according to Podhoretz, "pointed out that the resolution would indeed empower the President to involve the United States in a major land war." In

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fact, Fulbright pointed out no such thing. Without further explanation, a reader would gather that Fulbright and the Senate were culpable of implicitly authorizing and accepting the subsequent involvement of the United States in a major land war in Vietnam.

Podhoretz could not have written this sentence in good faith if he had himself studied or even read the debate in the Senate. Senator Daniel Brewster of Maryland questioned Fulbright about whether there was anything in the resolution that would authorize, recommend, or approve the landing of large American armies in Vietnam. Fulbright replied: "There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do." Fulbright also said: "Speaking for my own [Foreign Relations] committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia."

Senator Gaylord Nelson of Wisconsin asked whether the resolution authorized a complete change in the previous policy of refraining from "a direct land confrontation with our army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army." Fulbright answered: "I do not interpret the joint resolution in that way at all." Pressed again to say what the resolution actually authorized, Fulbright said that "when we try to confine ourselves and say that this resolution either prohibits or authorizes such action [to put a large land army on the Asian continent] by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go."

HERE AND ELSEWHERE, the problem arises because Podhoretz did not do his own research. He depended in this case, as his citations show, on a deeply flawed book by Guenter Lewy, *America in Vietnam*, which has misled him more than once. Anyone who had taken the trouble to consult the debate in the Senate would have known that the Tonkin Gulf resolution was presented in an effort to deter the North Vietnamese, not to encourage the involvement of the United States in a major land war in Vietnam. Fulbright later regretted having supported a resolution so loosely worded that he could not even tell the Senate just what it prohibited or authorized. Unfortunately for Fulbright and the country, it opened the way for President Johnson to take exactly the action that Fulbright had assured the Senate he and the entire Foreign Relations Committee opposed. It opened the way by not explicitly forbidding Johnson's action, a rather different matter from expressly empowering it. The debate made absolutely clear what the Senate's intention was and was not. It was not what Podhoretz says it was.

MORE IMPORTANT than factual offenses, which would take another small book to compile and correct, are some of Podhoretz's ideological fixations. One basic issue concerns the very nature of the Vietnam War.

For Podhoretz, it is important that the conflict should have been a "foreign aggression," not a civil war. He seems to think that it had to be restricted to South Vietnam in order to have been a civil war. It was not a civil war, he insists, because an aggression from North Vietnam was responsible for it.

This strange theory treats North Vietnam as if it were not inhabited by Vietnamese. Vietnam was one country until it was temporarily divided by the Geneva Agreements of 1954—temporarily, because they provided for general elections in 1956 to unify the country. South Vietnamese President Ngo Dinh Diem refused to honor that agreement and even created a Committee for the Liberation of North Vietnam. South and North Vietnam never accepted the division of the country; both pledged themselves to reunify it by all possible means.

How, then, could a war between South and North Vietnam *not* be a civil war? North Vietnam was not a "foreign country." The control of the southern Vietcong by the North Vietnamese did not make either of them less Vietnamese. To be sure, it was not a "pure" civil war any more than the Spanish Civil War had been a pure civil war; entire Italian fascist divisions fought on the Spanish fascist side without changing the fundamentally Spanish character of the civil war. Yet much of Podhoretz's case rests on the dubious proposition that the Vietnamese conflict was not a civil war.

His case also rests on an equally muddled view of why the United States intervened in the war. One of his notions is that the American motivation was selfless and spiritual. The United

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States went into Vietnam "for the sake of an ideal." It was "self-evident that the United States was doing the right thing in trying to save South Vietnam from Communism."

IT WAS HARDLY self-evident. Saving South Vietnam from Communism was never enough to justify American intervention, let alone on the scale of 1965-1972. Intervention was justified on much larger grounds. President Eisenhower had had Vietnam in mind when he first propounded the "domino principle" in 1954. That "principle" continued to be the chief rationale for the increasing American commitment, as it is in the case of El Salvador today. Then-Vice President Nixon had even predicted that if Vietnam fell the United States would have to fight a major war to save the Philippines or Australia. President Johnson's dominoes went as far as Singapore and Indonesia. The dominoes, not South Vietnam, provided the raison d'être of the war. There was too little at stake and too much at risk in South Vietnam to make its political fate the self-evident proof that the United States had done the right thing.

Podhoretz also presents another theory. Elsewhere he maintains that the United States originally sought to prevent a Vietnamese Communist victory because it "could be tantamount to an expansion of Soviet power." Even if this statement were not fanciful, it would mean that the "ideal" had somehow turned into a worldwide struggle for power.

It happens to be more of Podhoretz's fanciful history. Strange as it may seem in retrospect, the official American line was that we were fighting Chinese, not Soviet, expansion in Vietnam. High State Department officials even tried to put across the idea that the United States was fighting in Vietnam to enable "Moscow's doctrine of peaceful co-existence," as one put it, to prevail over "Peiping's assertion that armed struggle is a more productive Communist course." We were, according to this reasoning, virtually fighting with Moscow and against Peiping, even though Moscow had become the prime supplier of war materiel to North Vietnam. Almost to the end, U.S. policy counted on the Soviet Union to help pull U.S. chestnuts out of the fire in Vietnam. Former Secretary of State Henry Kissinger clearly and repeatedly described in *The White House Years* how he sought to trade an improvement in Soviet-American relations for Soviet cooperation to make North Vietnam settle the war on acceptable terms.

PODHORETZ, TOO, has his own domino theory. "Everyone was wrong," he believes—except, now, himself. His new theory is that the war was finally vindicated by the later appearance of Cuban troops in Angola and by similar occurrences in the next few years in Ethiopia, Mozambique, South Yemen, and Afghanistan. He makes no effort to explain what the connections between these far-flung events were. His theory implies that the Soviet Union would not have gone into Afghanistan, for example, if the United States had won the war in Vietnam or, conceivably, was still fighting there. Eight years separate the U.S. withdrawal from Vietnam and the Soviet invasion of Afghanistan. Whatever the pressures on the Soviets were in Afghanistan, it is hard to see how or why they would have changed in the least whatever had happened in Vietnam. The missing link here is not merely evidence; it is simple plausibility.

Despite his apparent bravado, Podhoretz's vindication of the Vietnam War is curiously restricted and defensive. On all grounds but one, he makes no effort to justify U.S. intervention. The only way, he concedes, "the United States could have avoided defeat in Vietnam was by staying out of the war." The U.S. Army and Officers Corps were "unfitted for the kind of war they were called upon to fight in Vietnam." The American people were never "enthusiastic about the war." The final abandonment of South Vietnam demonstrated that "saving South Vietnam from Communism was not only beyond its [America's] reasonable military, political, and intellectual capabilities but that it was ultimately beyond its moral capabilities as well." These devastating admissions are scattered throughout the book and make one wonder why, if they were true, anyone would want to vindicate an unwanted, unnecessary, and unwinnable war.

Podhoretz's last stand in favor of the war is restricted to morality. In his most blustering style, he proclaims that "nothing is easier to refute than the moral case against the American intervention in Vietnam." Or again—"stupid though the American way of war no doubt was in the political context of Vietnam," it cannot "reasonably be considered immoral." It was not immoral for him, because, as we have already been told, the United States intervened solely "to save South Vietnam from Communism" and simply "for the sake of an ideal." His Vietnam War does not exist in a real world, tainted with struggles for power and geopolitical forces. His war exists in an ideal realm of anti-Communism, no matter where, by what means, at what price, or against whom.

Yet Podhoretz was let down by the very real Americans who had to live up to his idealization of the war. He laments that the war was ultimately beyond the "moral capabilities" of the United States. The entire enterprise was doomed because we failed to provide a "moral justification." The political and military arguments of the Johnson Administration "floated aimlessly in a moral vacuum." In his very last paragraph, Podhoretz concludes that he is "fully, painfully aware" that "the American effort to save Vietnam from Communism was indeed beyond our intellectual and moral capabilities," though it was still, as President Reagan called it, "a noble cause."

THERE IS SOMETHING theological in this dualism between the nobility of the cause and the lack of nobility of the human beings called upon to realize it. In the real world, nations should not try to do what they are incapable of doing. In Podhoretz's world, nations get the highest marks for trying to do what they are unable to do, despite the evil they may do to themselves and their enemies in the effort.

No one who has questioned the American role in the war, especially its morality, can hope to escape Podhoretz's wrath. Among those who get the roughest treatment are Susan Sontag, Mary McCarthy, and Frances

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FitzGerald. They were gullible and fatuous enough in their treatment of the Vietnamese Communists to merit this ridicule. If an ignoble prize were given for the Higher Inanity, Susan Sontag's account of her pilgrimage to Hanoi would certainly deserve to win it—as she herself has apparently come to realize. About twenty others make Podhoretz's black list, from Noam Chomsky to the late Hans Morgenthau, the latter his once-revered mentor and valued contributor. Despite all the unpaid research I did for him, I earn Podhoretz's displeasure for having alluded to the war's "shamefulness" and "immoral conduct."

BUT ONE SINNER is mysteriously missing.

He is Norman Podhoretz. Podhoretz was editor of *Commentary* throughout the Vietnam War. From 1965 to 1972, the years of America's massive intervention, at least a half-dozen articles on the war appeared in *Commentary*. Every one of them, without exception, was explicitly or implicitly critical of U.S. policy. As early as May 1965, the late George Lichtheim offered some advice that might still do Podhoretz some good: "No country in the world, least of all South Vietnam, can go on forever subsisting on anti-Communism." In March 1968, an article by me referred to the war as "a political debacle, a military folly, and a moral disgrace." In May 1969, Lionel Abel thought "our policy in Vietnam wrong, in both political and moral terms." In May 1971, Nathan Glazer, now a fellow neoconservative, had an article entitled "Vietnam: The Case for Immediate Withdrawal." The "moral damage," wrote Glazer, "has been enormous, greater in some ways than the impact of any war in the history of the nation." One article sympathetically considered the antiwar tactics of Dr. Benjamin Spock and the Reverend William Sloane Coffin.

Article after article in *Commentary* in those years questioned the morality of the Vietnam War. Podhoretz did not object to this view at a time when the debate raged and a strong stand one way or the other could have had practical consequences.

But the cream of the jest—if it is a jest—is still to come.

Podhoretz himself began to write a monthly department of comment in June 1970, in the midst of the war. It took him twelve issues to get to the subject of the war, in May 1971. In an article entitled, "A Note on Vietnamization," he revealed that he had delivered a speech in the fall of 1969 in which he had urged "an immediate American withdrawal," using arguments similar to those in Glazer's article. But Podhoretz, who never does things by halves, ended his article by going beyond the advocacy of withdrawal. He announced that he now found himself "unhappily moving to the side of those who would prefer just such an American defeat" to anything but complete withdrawal.

As late as 1979, in *Breaking Ranks*, Podhoretz was still willing to admit that the Vietnam War "could only be fought in ways that were bound to seem, and sometimes actually were, immoral and atrocious." No reader of *Why We Were in Vietnam* could possibly imagine that this book was written by a onetime defeatist who not so long ago agreed that immoralities and atrocities were at least sometimes necessarily committed in that venomous war.

EVERYONE HAS a right to change his mind. But no one has a right to be so smug and sanctimonious, lashing out at those with whom he had essentially agreed only yesterday—and to keep that a secret from the reader.

If Podhoretz had not kept this secret from his readers, he would have had to accept some personal responsibility for the U.S. failure in Vietnam along with all the other opponents of the war. "The truth is," he now exhorts ominously,

> that the antiwar movement bears a certain measure of responsibility for the horrors that have overtaken the people of Vietnam; and so long as those who participated in that movement are unwilling to acknowledge this, they will go on trying to discredit the idea that there is a distinction between authoritarianism and totalitarianism.

We need not discuss that distinction here. But if there is one thing Podhoretz does not do in this book it is to acknowledge his role in the antiwar movement and—to follow his own reasoning—his measure of responsibility for the horrors that have overtaken the people of Vietnam.

He was far from candid about his own role in his previous autobiographical book, *Breaking Ranks*, but full self-disclosure was demanded of him in this book, in view of his savage denunciations of

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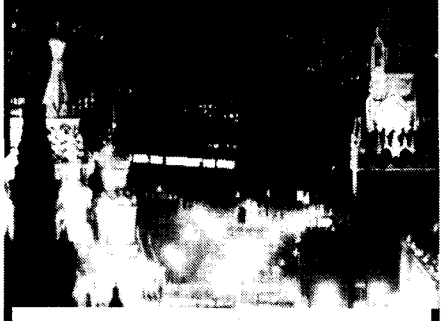

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others, including some who had taken a less extreme position than he had done. In *Making It*, Podhoretz's "dirty little secret" was the lust for fame and success, which he seemed to think it shocking to reveal. In *Why We Were in Vietnam*, he has another dirty little secret, which he does not seem to think it shocking to conceal.

As history, Podhoretz's version of the Vietnam War cannot be taken seriously. Its significance must be sought in the present rather than in the past. It represents a trend of selective moralistic zealotry which, if permitted to spread, will give both anti-Communism and neoconservatism a bad name. It opens the door to a viciously dangerous stab-in-the-back legend by inferentially blaming the horrors of the war on those who opposed it rather than on those who waged it. An even more explicit stab-in-the-back type of accusation was made in *Commentary* in April 1980 by Charles Horner, who was subsequently appointed a Deputy Assistant Secretary in the State Department.

The specter of a German-style stab-in-the-back legend cannot be dismissed. It is being actively propagated by retired U.S. military officers of the highest rank, of whom the most aggressive and blatant is General William C. Westmoreland, former field commander in Vietnam and Army Chief of Staff. In an address at the U.S. Army Command and General Staff College in April 1979, published in its official organ, *Military Review*, January 1979, Westmoreland blamed the United States for having "betrayed and deserted" South Vietnam and named "partisan politicians, intellectuals, the media and 'crusading groups,'" together with "members of Congress and other political leaders," as most responsible for the betrayal and desertion. Much of Podhoretz's argumentation coincides with the line in Westmoreland's book, *A Soldier Reports*, and in this address to the Army's school for future commanding officers.

Anyone who wishes to understand what went wrong in Vietnam and elsewhere would do better to take a hint from Edmund Burke. In one of his most famous speeches, delivered 207 years ago, before another failed war, he observed that "a great empire and little minds go ill together."

THEODORE DRAPER

Theodore Draper is the author of *The Roots of American Communism* and *American Communism and Soviet Russia*, both published by Viking Press.

THE CAMPUS NOVEL

The Rebel Angels by Robertson Davies

(Viking, 326 pp., $13.95)

Robertson Davies has had a long and distinguished career, not only as a novelist, but also as theatrical director, playwright, and academic. He is one of Canada's most distinguished men of letters, but I have to confess that the novel under review is my first acquaintance with his writing. Since I am unable to place it in relation to his other work, I will place it in the context of the genre, or subgenre, to which it belongs, namely, the campus novel.

This is by now a form of fiction so well established that addicts of the campus novel, like addicts of detective stories and spy thrillers, relish its familiar and recurrent features almost as much as they enjoy whatever new twist or texture the novelist is able to impart. What are the sources of the campus novel's attraction, for both readers and writers? One reason, perhaps, is that the university is a kind of microcosm of society at large, in which the principles, drives, and conflicts that govern collective human life are displayed and may be studied in a clear light and on a manageable scale. One of Mr. Davies's characters is of this opinion:

> The University is such a splendid community, you know, every kind of creature here, and all exhibiting what they are so much more freely than if they were in business, or the law, or whatever.

Freely, presumably, because of the institution of academic tenure, which makes scholars less afraid of their peers and superiors than members of other professions, and therefore less conformist. Universities are notoriously rich in extravagantly eccentric characters—especially in Britain (where, significantly, tenure is much more easily and quickly obtained than in the United States) and, if *The Rebel Angels* is any guide, in Canada too. Stuart Sutherland, professor of experimental psychology at the University of Sussex, England, who wrote a courageous book about his own mental illness, *Breakdown* (1976), observed that in any other social context people would have recognized much sooner that he was going mad (he had reached the stage of saving time by shaving while driving to work and dictating letters through the door of the toilet) but that in a university his symptoms were tolerantly regarded as mere eccentricities.

INSIDE, AS OUTSIDE, the academy, the principal determinants of action are sex and the will to power, and a typology of campus fiction might be based on a consideration of the relative dominance of these two drives in the story. The Cambridge novels of C. P. Snow, for instance, notably his classic study of a college election in *The Masters*, were primarily concerned with the struggle for power; while the novels of Alison Lurie, *Love and Friendship* and *The War Between the Tates*, are primarily concerned with sexual intrigue. Both themes have an essentially ironic tendency in the context of a university, whose members are supposedly dedicated to the disinterested pursuit of knowledge and truth, but who are thus revealed as slaves to ignoble instincts and passions. Sometimes the two drives are evenly balanced, as in Malcolm Bradbury's *The History Man*, whose antihero uses sexual seduction as a primary means of imposing his will on campus politics. More often, sexuality is opposed to the scholar's professional life, and threatens its stability. An affair between teacher and pupil, for instance, even in today's permissive society, violates some deep-seated taboo and thrusts both parties into a realm of moral danger, excitement, and decep-

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tion, generating the stuff of fiction. "We all know what happens in universities," says another character in *The Rebel Angels*. "Nice girls turn up, professors are human, and bingo! Sometimes it's rough on the girl, sometimes it may be destructive to the professor."

Should we perhaps rather say, "Professors would like to convince themselves that they are human"? The successful academic has usually succeeded by dint of sacrificing a certain amount of libido in youth, and in middle age may feel a sudden urge to make up for lost time, to prove that he is not a totally cerebral being after all, but a man of passion and feeling; while the young student who offers a convenient focus for this desire may be unable to disentangle sexual attraction from intellectual awe.

THE EXERCISE OF POWER in academic life was classically analyzed by F. M. Cornford in his little pamphlet *Microcosmographia Academica: being a guide for the young academic politician* (1912), which includes such gems of definition as " 'sound scholar' is a term of praise applied to one another by learned men who have no reputation outside the University" and "a lecturer is a sound scholar who is chosen to teach on the grounds that he was once able to learn." According to Cornford, the academic exercise of power consists almost as much in exploiting the democratic system of university government to frustrate others as in advancing oneself. Things have changed a bit since Cornford's Cambridge days, but it is still true that to the worldly eye the issues which preoccupy academics often seem comically disproportionate to the passions they arouse. And here we perhaps approach the ultimate secret of the campus novel's deep appeal: academic conflicts are relatively harmless, safely insulated from the real world and its somber concerns—or capable of transforming those concerns into a form of stylized play. Essentially the campus novel is a modern, displaced form of pastoral, as Mary McCarthy recognized by calling her classic contribution to the genre *The Groves of Academe*. That is why it belongs to the literature of escape, and why we never tire of it.

The Rebel Angels is certainly a novel whose characters scarcely seem to belong to the modern world, even the modern university world; but the fact that it is a campus novel makes us readier to accept and enjoy its mannered style and archaic atmosphere. It is set in one of the constituent colleges of the University of Toronto, an institution that Mr. Davies knows well, since he recently retired as master of Massey College there. But I find it hard to believe that academic life at Toronto in the 1980s can resemble Cornford's Cambridge quite as closely, or that the preoccupations of its members are quite as bizarre, as this novel suggests. *The Rebel Angels* reads like the result of an unlikely collaboration between C. P. Snow and Muriel Spark, with assistance from Thomas Love Peacock and the author of *The Anatomy of Melancholy*. Snow's relish for the cozy intrigues of academic politics is combined with Muriel Spark's zany supernaturalism, Peacock's love of good talk, and Burton's sardonic delight in esoteric learning and human eccentricity.

The novel begins well, quickly introducing the sexual theme. The narrator, a young research student of Polish-Hungarian gypsy background who rejoices in the name of Maria Magdalena Theotoky, is hurrying to see her supervisor, Clement Hollier, at the beginning of the academic year, and hears a report being passed from mouth to mouth that "Parlabane is back."

> This was what I wanted. It was something to say to Hollier when we met after nearly four months apart. At that meeting he had become my lover, or so I was vain enough to think. Certainly he had become, agonizingly, the man I loved. All through the summer vacation I had fretted and fussed and hoped for a postcard from wherever he might be in Europe, but he was not a man to write postcards. Not a man to say very much, either, in a personal way. But he could be excited; he could give way to feeling. On that day in early May, when he had told me about the latest development in his work, and I—so eager to serve him, to gain his gratitude and perhaps even his love—did an inexcusable thing and betrayed the secret of the *bomari* to him, he seemed lifted quite outside of himself, and it was then he took me in his arms and put me on that horrible old sofa in his office, and had me amid a great deal of confusion of clothing, creaking of springs and peripheral anxiety lest somebody should come in. That was when we had parted, he embarrassed and I overcome with astonishment and devotion, and now I was to face him again. I needed an opening remark.

The reader would be correct in inferring from this passage that Hollier is an essentially frigid man whose only passion is his subject—"paleo-psychology," or the investigation of popular thought and belief in the early Renaissance period. The professor who falls genuinely in love with Maria is Simon Darcourt, clergyman and biblical scholar, who fancies himself as a new John Aubrey, memorializing the eccentrics of Toronto University in a contemporary *Brief Lives*. His narrative and Maria's are plaited together to form the substance of *The Rebel Angels*, often covering the same event from ironically different perspectives.

Hollier and Darcourt are nominated, along with Urquhart McVarish, a historian who claims descent from the 17th-century translator of Rabelais, as executors of the will of a great collector, Francis Cornish, who has just died. Among his precious *objets d'art* and rare manuscripts there was a hitherto unknown group of holograph letters from Rabelais to the Renaissance magus, Paracelsus. Hollier is dying to get his hands on these letters, partly to assuage his guilt about the seduction of Maria by giving her the task and academic glory of editing them. But Urky McVarish, a crot-

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chety and malicious character, has snaffled this prize without admitting that he has done so, much to Hollier's anger and frustration.

The mysterious *bomari* referred to on the first page, quoted above, turns out to be a container filled with high-grade horse dung—a treatment to restore purity of tone to old violins, used by Maria's gypsy mother. Introduced to "Marmusia" to learn this secret, Hollier also has his fortune told with ominous results, while Marmusia, seeking to secure his love for her daughter by means of a philter, succeeds only in binding Darcourt's affections more tightly to her.

The character who precipitates the denouement is Parlabane, a reprobate with a great scholarly future behind him, who, after many sordid and shady adventures, has come back to Toronto to batten on his old friends, Hollier and Darcourt. He is a sinister figure, often compared to the devil, who finally brings about the restoration of the Rabelais letters in a bizarre climax which it would be unfair to reveal here.

The names of Rabelais and Paracelsus are not gratuitously invoked by the plot. There is a Rabelaisian quality, a combination of robust humor and satire on pedantry, in Mr. Davies's own writing; while the hermetic and heterodox ideas associated with the name of Paracelsus are exploited in a fashion that is at once playful and serious. The mythology of Gnosticism runs through the novel and explains its title. Maria Theotoky, whose name means "bringer of God," is worshipped by Darcourt as "Sophia," the feminine personification of Divine Wisdom, while she identifies him and Hollier as Samahazai and Azazel, two rebel angels in apocryphal scripture who

> came down to earth and taught tongues, and healing and laws and hygiene—taught everything—and they were often special successes with 'the daughters of men' . . . Surely it is the explanation of the origin of universities!

The Rebel Angels is one of those novels that impart a good deal of information—in this case rather esoteric information—as well as entertainment to the reader. Its flavor will be a little too gamy for some tastes, its high spirits too redolent of high table; but as the production of a writer in his sixty-ninth year, it is a work of impressive vigor and vivacity, which no addict of the campus novel will want to miss.

DAVID LODGE

David Lodge's new novel, *Souls and Bodies*, has just been published by William Morrow.

A MONSTER OF SENSITIVITY

Kafka: A Biography by Ronald Hayman

(Oxford University Press, 384 pp., $19.95)

Franz Kafka is the writer par excellence who is all things to all men. Proust and Joyce have exerted as great an influence on other writers, but for a great many 20th-century men and women Kafka's world view has become both archetypal and seminal. It is to each interpreter the face of his particular fear or desire. To Hermann Broch, a Joycean novelist, Kafka—not Joyce—was the one who did justice to our "condition of utmost helplessness." Yet for Camus, the absurd in Kafka's work was "recognized, accepted," and, through this resignation, "no longer the absurd." For Thomas Mann, Kafka was essentially "a religious humorist"; for Nabokov, no "religious implication can be read into Kafka's genius." "The Kafka hero," said Samuel Beckett, is "not spiritually precarious"; "the Kafka hero," wrote W. H. Auden, "is convinced from the start that he is doomed to fail." And so on and, contradictorily, on.

Kafka's literary constructs have concrete shapes and hard edges, but they are so diaphanous that every reader can see his own world framed, indeed focused and magnified, by them. There are three main interpretations of Kafka's work. There is the Freudian, according to which fear of an overbearing, vulgar, crassly physical, and commercially successful father colored all of Kafka's work (and, perhaps, life); the political, usually Marxist, according to which Kafka's existence under the crumbling, capitalistic Austro-Hungarian monarchy and his employment by the imperially corrupt Worker's Accident Insurance Institute (where injured workers were often cheated out of compensation) made the Kafkan oeuvre essentially an attack on bourgeois bureaucracy; and the religious-mystical, which perceives Kafka's life and work as a steady gravitation toward Judaism and its religious and secular lore, with perhaps a dash of Gnostic demonology added.

THOUGH THERE IS much hostility among the rival schools of hermeneutics, the three interpretations are by no means mutually exclusive: the father, emperor or supreme bureaucrat, and God figures may represent concentric menaces, coexistent in the already mentioned transparency, and the petty demons are just as tormenting whether they are psychological, bureaucratic, or infernal. I concur with Paul Rosenfeld's estimate:

> There is no other modern writer whose subject matter—for all that Kafka's talent has been called a narrow one—is so broad, or whose symbols, whatever their partial explanation, are so clearly articulated in a statement that embraces and gives the quality of so much of modern experience.

Since the pioneering biography by Max Brod, Kafka's friend and literary executor (1937), many others have been written and some translated into English. But Ronald Hayman's *Kafka* is the first authoritative and comprehensive biography written in English, and possibly the most exhaustive in any language. It is certainly most exhausting to read, though, given the subject, this must be taken not as derogation but as a compliment. It is curious that two of the greatest virtuosos of feeling in modern literature—veritable monsters of sensitivity—were both German-speaking citizens of Prague: Rainer Maria Rilke, born in 1875, and Kafka, in 1883. Of these two exacerbated sensibilities, Rilke's could at least draw sustenance from a better childhood; Kafka, of a lower

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social status, was also Jewish.

Hayman shows us compellingly Kafka's troubled family background, the flare-ups of anti-German and anti-Semitic violence in the Prague of the period, the ruthlessness with which Kafka's father, Hermann, chugged away at assimilation and material success. Though a boor himself, Hermann wanted his son to be both refined and virile; he never read to the boy, but tried to teach him army songs, marching, and the like. Often he severely berated or punished him, with mother Julie taking his defense only feebly, if at all. This large, gruff man, who cared not a rap for his son's writing ("Put it on my bedside table" was his only comment on Franz's most important nonposthumous book), haunted Kafka all his life. "Arguably he never wrote about anything else," Hayman concludes.

Almost from the very beginning, Hayman constructs his biography predominantly out of the words of Kafka himself (his fiction, diaries, letters, conversations) and of those who knew him. I would guess that four-fifths of *Kafka* is in quotation marks, so that reading the book is like looking at a mosaic from a few inches away, almost tessera by tessera. This is tiring in itself, and a hundred times more so when you consider how much anguish each little piece can contain. Yet we need this fatigue if we are to begin to appreciate Kafka's miseries, terrible even—or especially—if self-inflicted. From the outset, the boy blamed himself for the deaths in infancy of two brothers, and for begrudging his three surviving sisters the little time their mother could take from the family dry-goods store. Scolding servants and mostly unsympathetic teachers aggravated the child's sense of isolation. Inadequate food—along with insufficient heating, a constant feature in the apartments the family kept steadily changing—may have prepared the ground for the tuberculosis that, after torturing Franz for seven years, was to finish him off, age forty-one, in 1924.

IT COULD BE CLAIMED that all of Kafka's problems were based on ambivalence—or, more precisely, quadrivalence or some still higher valence. As Hayman writes, "Though unable to concentrate on other people, he dreaded being alone in a room; though plagued by insomnia, he found sleep was no better, for dreams were delirious." Yet this being drawn and quartered by contrary pulls is fundamental to Kafka, who in one of his letters sketches a man being put to death by a four-way pulling contraption. He started out as a student of German literature, but got his degree in law; after some literarily useful drudgery in the law courts, he ended up with a lifetime position at the Worker's Accident Insurance Institute, a civil service job he characteristically hated and enjoyed. Though the work was strenuous and boring, he could unearth issues that might have remained buried, and sometimes help workers to monies that would have been denied them. Also, the neutrality he had to maintain in reports about injuries may have given him pleasure, Hayman contends, as "an extraversion of the masochistic gratification he had in thinking about damage done to his own body or its destruction or degeneration."

Hayman perceives "Kafka's whole life as a series of hesitations in the process of condemning himself and carrying out the execution." But the hesitations allowed for intervals of merriment and even fleeting joy. There were the friendships with young men such as Max Brod, there were the more or less serious (but sparse) involvements with women, and there was, above all, the writing. Yet ambivalence seeps into almost everything, and the Kafkan laughter is no ordinary laughter. Thus Franz apologizes to Brod for mistakenly addressing to another friend a card meant for him:

> Please be angry about it and don't speak to me any more. My future's not rosy and I'll surely—this much I can see—die like a dog. I too would be glad to avoid myself, but since that's impossible, I can at least be glad to have no self pity.

There is, surely, an element of irony in this declaration by a twenty-year-old, but not of a funny kind. To another friend, Oskar Pollak, he writes: "We human beings ought to confront one another as reverently, as thoughtfully and as lovingly as we'd confront the entrance of hell." Thirteen years later, Kafka will write the third of his fiancées, "No one sings so purely as those who are in deepest hell; what we take to

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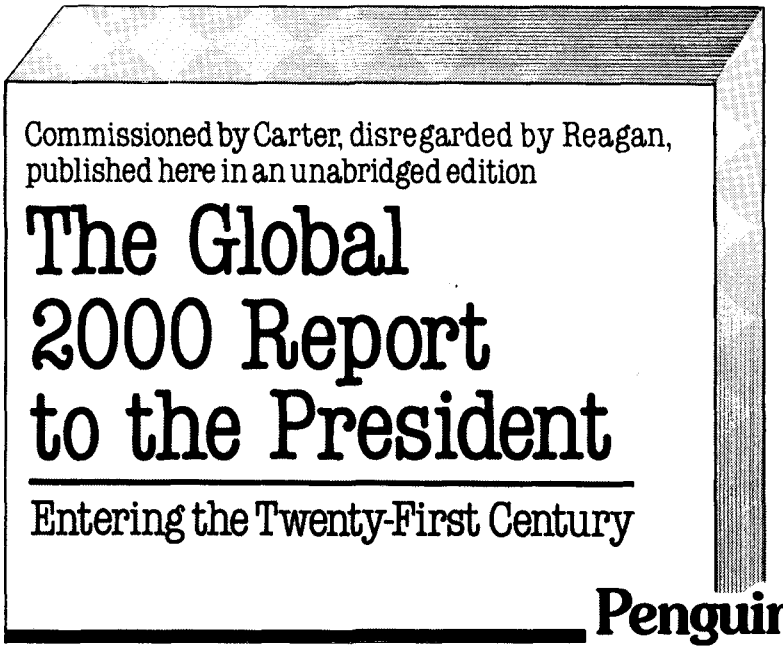
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be the song of angels is their song." (Hayman translates the end too laconically as "that's what sounds angelic.") And when Kafka kept breaking up while reading from *The Trial* to his friends, we may assume that that laughter too was hellish. And pure.

YET THE GREATEST scope for ambivalence was offered by women. Kafka was torn between visions of himself as husband and father and the overriding sense that this was never to be his destiny—not to mention his reluctance to join the "adult conspiracy" against children. There were four fiancées of sorts. First Felice, to whom he got engaged twice, only to get disengaged twice, and to whom he wrote some six hundred pages' worth of letters. She seems not to have aroused him physically, only epistolarily. There was, apparently, no sex, and very little physical contact; but a good excuse for producing fiction, which came in spurts: roughly one major, frenzied burst of several weeks or months, followed by three fallow years. Felice also made the diaries grow, the only place where he felt he could hold on to himself; yet, of course, he also viewed the diaries as a confession of failure to write fiction reaffirmed daily. The second fiancée, Julie, a simple, earthy creature, was done in partly by paternal dismissal (Hermann called her one of those "Prague Jewesses" who entrap men with special blouses and "give themselves to anybody"), and partly by the loss of a wretched apartment Franz and she had chosen for themselves.

The third fiancée, Milena, Kafka's Czech translator, was more literary-intellectual and physically satisfying (though, again, there is no record of more than four sexual encounters), but there were other problems: Franz was already in the tightening grip of consumption, Milena was Christian (anathema to the Kafka family), and she had an unworthy husband whom she nevertheless could not leave. Another great correspondence, more cerebral than the one with Felice, to whom he had written: "I'm lying on the ground in front of you and beg you to kick me aside, or we'll both be destroyed." With Milena, he could sound even more complicated: "Perhaps it isn't really love when I say you're what I love most; love is that to me you're the knife with which I rummage inside myself." (Hayman translates "the knife I turn inside myself," which is less revealing.) Although Milena seems to have been the first woman with whom sex did not hold "a quite specific vileness . . . slightly repulsive, painful, filthy . . . some sulphur, some hell," the relationship still couldn't work because "I can love only what I can place so high above me that it's out of reach."

This did not prevent the occasional brief liaison with a shop girl or a fellow patient at the many sanatoriums, hotels, or pensions Kafka visited in several countries in search of cures for a variety of lesser ailments first, later for tuberculosis. Toward that final illness he again managed to be ambivalent. It seemed to him psychical, simultaneously a reprieve from marriage and the ultimate defeat, but also, for a while at least, something enabling him to sleep much better. Hayman notes: "He had constantly been asking himself whether he was not unworthy to stay alive. Tuberculosis must have seemed like an answer from outside, a judgment written on his body"—an allusion to "In the Penal Colony." "It's not really illness," Kafka wrote, "but certainly it isn't health. Certainly it's the lungs, but then again it isn't the lungs." Typically, he who before becoming tubercular thought nothing of going to a sanatorium now frequently begrudged the money for treatment.

EVEN HIS WRITING, that which he was most dedicated to, could not escape his overarching ambivalence. It was not the disease but writing that was killing him, he explained to Brod; to Gustav Janouch he disparaged his work: "If one can give no help, one should remain silent." Only twice did he seem to become unambiguous about matters of moment. During a slight remission in the last stages of laryngeal tuberculosis, he decided unequivocally to marry Dora Dymant, the nineteen-year-old who lived with and nursed him in his terminal year. And he firmly instructed Brod to burn all his unpublished manuscripts, among them his three novels. But Brod had told him he would not comply with such a demand, and even while writing Dora's father for permission to marry his daughter (a request the father's rabbi promptly vetoed), Kafka must have known that he was moribund. Perhaps the only unalloyed pleasure in his life had been his friendship with his youngest sister, Ottla: she usually understood him and made no demands. Like her elder sisters, she was to perish in the Nazi death camps.

In his youth, Kafka was estranged from Judaism, let alone Zionism. Indeed, a Jewish school chum feared Franz might convert him to atheism. But, later, a group of traveling Yiddish actors so fascinated him with their personalities and performances that he became entangled in their work and lives; from Yiddish drama, he progressed to Hassidic tales, the Talmud, the Kabbalah, and other Jewish lore, traces of which show up in his writing. Toward the end of his life he was ardently reading the Bible and studying Hebrew, as well as considering emigration to Palestine. But about this, too, he had serious doubts. There is no evidence that the God he periodically invoked was an orthodox one; sometimes he was distant and inaccessible, sometimes cruel and vindictive, condemning Kafka to writing as a punishment. Near death, Kafka thought not of God but of the demons he felt were lurking in his fiction, which must, therefore, be destroyed. Perhaps his most telling—because most ambiguous—utterance was (in refutation of Gnosticism), "I don't think we're such a serious lapse on God's part—just one of his bad moods, a bad day." Was there hope outside our world then? "Plenty of hope—for God. . . . Only not for us."

The last pages of *Kafka* are almost unbearably sad. But at least Franz had a loving woman, Dora, and a devoted young medical friend, Robert Klopstock, faithfully tending him. Not until he was thirty-two had he moved out of his family home, where he had no privacy, heard his parents' lovemaking through a thin partition, and could have his letters and diaries pried into at any time. And not till his fortieth year had he finally got away from Prague for good, which he considered his greatest achievement, but only to come near death in Berlin and to die outside Vienna. Final irony: when his friend, the already celebrated Franz Werfel, wrote to the chief physician of the Wiener Wald Sanatorium for a private room for Kafka, Professor Hayek refused: "A certain Werfel has written to say I should do something for a certain Kafka. Kafka I know. He's the patient in No. 13. But who's Werfel?" And the final paradox: racked by the last, terrible pains, Kafka implored the doctor who was giving him antidotes: "Don't cheat me. . . . Kill me, or you're a murderer." The parents

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did not come to their son's deathbed, and, at the funeral in Prague, Hermann Kafka turned away in disgust from Dora, who had collapsed on Franz's grave.

Ronald Hayman has sifted all the available information for his book, chosen the matter for inclusion aptly, and put it together conscientiously and concisely. I find no factual errors except for a few misplaced accent marks and a reference to the poet Detlev von Liliencron as Gustav. Stylistically, Hayman is no world-beater, and there are occasional lapses in grammar, syntax, and imagery. We get things like "he could talk to both Minze, to Tile and to Dora"; "the lecturers were authoritarians, authorized by the university authorities"; "Most often the restlessness could be unleashed only in the evening. Still at its peak during the night it leaked all over his sleep without fueling any work"; and, most curiously, "Kierkegaard's reaction to Freud's remark." The reasoning is sometimes circular and naïve, as in,

> If Kafka had spent more of his life in possession of a space that was indubitably his, he would have been a happier man but would have been without one of his tensions that needed to find release in his work.

Some readers may also object to Hayman's easy Freudianizing, as when he traces Kafka's vegetarianism and identification with animals to a grandfather who was a Jewish ritual slaughterer. Certainly Kafka's horror at seeing his parents' soiled nightclothes spread out on their bed is worth more speculation than Hayman accords it. But I agree with his judgment that Kafka's guilt feelings and "the need to feel authoritatively condemned made it impossible for him to remain agnostic." What I do object to is the plethora of comparisons to and contrastings with other writers and even painters—always superficial, and sometimes (when involving minor writers) insulting.

BUT, ON THE credit side, Hayman has the guts to challenge Walter Benjamin's revered but obfuscatory essay on Kafka, offers a pretty fair panorama of Kafka's major and minor writings (even if his interpretations sometimes seem questionable), and has drawn an indelible picture, physical and psychic, of this tortured being, indecisive and self-flagellating and hard to take, yet also dignified and controlled, often tender and generous, and by no means wholly joyless. *Kafka* is a full-length portrait worth hanging alongside the writings; it is not, however, a key to hidden locks or an epiphany of genius. For that, we have to go to greater writers and critics. To Erich Heller: "Never before has absolute darkness been represented with so much clarity, and the very madness of desperation with so much composure and sobriety." To Randall Jarrell: "In Kafka there is an unexampled extension of the methods of comedy to the material of tragedy." To Robert Musil: ". . . a friendly gentleness, as in the hours of a suicide between decision and deed. . . ."

It is Borges who pointed out that it required Kafka to make us aware of a trait in some earlier writers that is definitely Kafkan. And let us recall that the patient in No. 13 has become cosmically eponymous: there is a Johnsonian style, a Byronic hero, but *kafkaesque* is the only word derived from a writer's name that can be applied to anything and everything.

JOHN SIMON

John Simon's most recent book is *Reverse Angle: A Decade of American Films* (Clarkson N. Potter).

CORRESPONDENCE, *from page 2*

commission's proposals could alleviate this problem. Allowing states to depart from strict proportional representation as a basis for delegate allocation promises a greater impact to large, closely contested states—and thus could relieve some of the pressure they have felt to move forward. And the sizeable number of unpledged delegates will make it harder to "lock up" the nomination early, thus giving greater importance to the later states. The commission's rejection of more complex and coercive measures signaled not so much a lack of concern as a sense of the prudential limits of national party authority. Present indications are that California's primary will remain in June and that New York may well hold its primary later than its 1980 March date. Davis's "front-loading" scenario—large numbers of states moving toward winner-take-all *and* moving earlier—seems unlikely to develop.

It seems safe to predict that though the impact of any rule changes is likely to be modest, the cumulative effect of the Hunt Commission recommendations will be to increase the institutional party's strength. Shortening the season and modifying strict proportional representation will reduce fragmentation and facilitate party unity. Adding unpledged delegates and removing the binding rule will return decision-making power and flexibility to the convention. Increasing elected official involvement—while maintaining a strong affirmative action effort—will make the convention more representative of broad Democratic constituencies. The involvement of these officials will give them a stronger stake in the nominee and the platform, and will put a premium on the kind of pre-nomination coalition-building the party needs if it is to campaign and to govern effectively. The commission has not merely "tinkered" or acted randomly. It has made significant proposals that bear directly on the strength of the party and of the party system.

David E. Price, staff director
Commission on Presidential Nomination
Washington, D.C.

Lanny Davis replies:
I agree with Mr. Price about the positive purposes of the Hunt Commission's changes—when they are looked at one by one. The difficulty arises when the cumulative, interactive effect of these changes are taken into account. That's where the unintended consequences come in.

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To the editors:
Louis Birnbaum's "Cancel My Subscription!" letter (TNR, February 17) prompted me to write. In the past months I have often been tempted to cancel my subscription because of articles which I felt reflexively *defended* Israel and Begin. Lately I have decided *not* to cancel because I thought a more balanced presentation of those topics was being undertaken. Keep tempting me to get angry enough about life to want to cancel a subscription!

Ron Cooke
Leoti, Kansas

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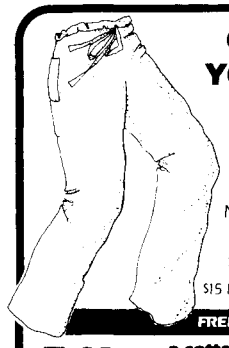

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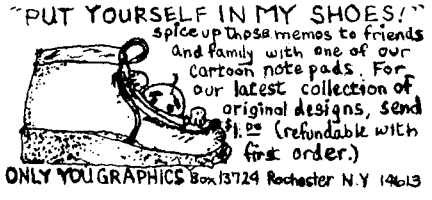
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WASHINGTON DIARIST

Misspeaking

IT'S ALWAYS PLEASING when a classmate makes a great noise in the world. This time it's Bruce Caputo, Harvard '65, and he's right smack on the front page of the February 18 *New York Times*. WAS NEVER IN ARMY, CAPUTO SAYS is the breathless headline. My first reaction, reading this, was to ask: well, what of it? Most of us in the class of '65 wouldn't, as the saying goes, have been caught dead in the Army. On the contrary, the principal topic of conversation in the dining halls was how to avoid the draft. You could get married, go to graduate school, get a deferrable job, have a friendly shrink certify you as insane, become a schoolteacher, or represent yourself as gay. (The cleverest dodge pulled off by a member of our class was a variation on the last-named. Doug, as I'll call him, presented himself at the Examining Center for his physical and filled out the questionnaire in routine fashion—except that after checking the "no" box next to the question, "Are you a homosexual?" he underlined it and wrote NO!!! in bold letters in the margin. This caught the eye of the bored Army psychiatrist whose duty it was to leaf through Doug's papers. "I gather you're not a homosexual," the psychiatrist remarked. Doug then delivered himself of a ranting homophobic tirade, throwing in a slight facial tic for good measure. The ploy worked. Doug was deferred for being "overly nervous.") In any event, I found the Caputo headline puzzling. By the man-bites-dog rule of journalism, I'd have thought, a story like SERVED IN ARMY, CANTAB CLAIMS would have been a lot newsier.

I DIMLY REMEMBER Mr. Caputo—or Bruce, as I suppose I am entitled to call him—as a sachem of the Harvard Young Republican Club. Since then he has done reasonably well in that line, getting elected to the New York State Legislature, serving a term in Congress from a Westchester district, and winning the Republican nomination (though not the general election) for lieutenant governor. He is currently the prospective Republican, Conservative, and Right-to-Life candidate for U.S. Senator against Daniel Patrick Moynihan. Militarily, though, Bruce's new eminence stems less from the unremarkable fact that he was never in the Army than from his apparently frequent claims to the contrary. It seems he has been going around describing himself as a "draftee." "I was a lieutenant," the *Times* quotes him as volunteering to a reporter over lunch recently. "I had a two-and-a-half-year hitch." All very manly, all very untrue. What Bruce actually did was get an MBA from the Harvard Business School and then spend a couple of years as a civilian paper shuffler in the office of the Secretary of Defense, after which he was safely 26 and out of the woods. In other words, he chose the graduate-school and deferrable-job ploys.

WHAT GOT BRUCE into trouble was giving in to the temptation to bathe himself in the soft, patriotic glow that comes with having served one's country in uniform—and without even actually having done so. Well, I can relate to that. The other day, in the midst of a heated argument about El Salvador, I shamed my interlocutors into submission by saying, "Look, I'm a veteran—which is more than I can say for any of you." Nor was this claim wholly false. I did serve in the Navy. I was a lieutenant (j.g.). I even had a two-and-a-half-year hitch. But I doubt that my bullying would have been quite so effective had I added that while I was in I applied for discharge as a conscientious objector, and that my military career was devoted to shuffling papers in a cubicle in Manhattan, where enemy incoming was no more of a problem than it was in the office of the Secretary of Defense.

BRUCE IS DEALING with his embarrassment in the manner traditional to his party: he is counterattacking from behind a stone wall. "The issue is why Moynihan voted against capital punishment, why he voted for school busing and for every Jimmy Carter tax increase," he said. "Those are the issues, not the length of time I was in the Pentagon or the way I got there." Confronted by the *Times* with evidence that he has been impersonating a veteran ever since 1973, Bruce refused to acknowledge that he had ever claimed to have been in the Army. Anyhow, if he ever did make such a claim, he told the *Times*, "I misspoke." Fascinating word, that. It can be found only in unabridged dictionaries, such as *Webster's Third*, which defines "to misspeak" as "to speak incorrectly" or "to express (oneself) badly or imperfectly." A peculiarity of this word is that it is almost never used except with reference to politicians. It has been getting quite a workout lately, what with President Reagan having so many news conferences. Did the President say unemployment was coming down when in fact it was going up? Oops, he misspoke himself. Did he say that North Vietnam, not South Vietnam, torpedoed elections after the 1954 Geneva Conference? Same deal. The picture this word calls up is this: the brain sends an order to the mouth, but it gets garbled in transmission and the mouth ends up saying the opposite. You can't blame the command post up in the skull, because it knew what it wanted the mouth to say. You can't blame the guys down in the engine room either. They were just doing their job. You can't blame anybody. Thus, through the use of a voodoo verb, statements that appear on their face to be the result of moral laxity (as in Bruce's case) or ignorance (as in Mr. Reagan's) are transformed into technical malfunctions. Computer error. There are exculpatory possibilities here that other professions ought to look into. Janet Cooke miswrote herself. Her editors misedited themselves. The Mighty Casey mishomered himself.

MEANWHILE, THERE'S good news for mental patients, coal miners, and foster grandparents: Nancy Reagan has settled on a cause, and it's drug abuse among the young. This was the theme of her first solo trip out of town since the Charles and Di nuptials, and apparently it clicked. "Super, fabulous," her press secretary, Sheila Tate, gloated afterward. "Everybody is focusing on the issue and the problem and that's exactly what we wanted them to do." But what about Mrs. R's own children? Might they have lit up the odd joint now and then? "I don't know of many young people nowadays who haven't," she said, "but we never had any problem." Not to worry. Ron Jr. and Patti probably just mistoked themselves.

H. H.

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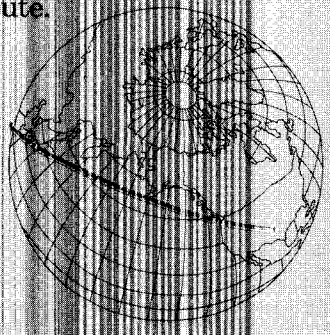

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